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16 August 1993
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# LETTER DATED 14 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to report that the press office of the President of the Azerbaijani Republic has issued a statement in connection with the further intensification of military operations by the Armenian armed forces in Azerbaijani territory. Recently, according to the statement, both immediately prior to and after the opening of the meeting in Rome of the countries which make up the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE), the Armenian armed forces stepped up their aggression along the Armenian-Azerbaijani border and in the direction of the Agjabedi, Ter Ter and Fizuli districts bordering upper Karabakh. The uninterrupted attacks on Azerbaijani settlements and the intensive shelling of the peaceful population by tanks and artillery have killed and wounded many and destroyed administrative buildings and residences. Using "corridors" in the occupied Lachin and Kelbajar districts of Azerbaijan, Armenia's military-political leaders continue to concentrate their war equipment and troops in captured districts of Azerbaijan. Thus the Armenian side is not only failing to observe the cease-fire agreement, but is also using the current situation to prepare for a new, large-scale offensive in Azerbaijani districts adjacent to upper Karabakh.

In this connection, the Azerbaijani side calls on the international community, through the competent international organizations, and on the States members of the United Nations Security Council and the CSCE Minsk Group to take further effective measures to ensure the full implementation of resolutions 822 (1993) and 853 (1993) and, above all, the immediate, full and unconditional withdrawal of Armenian armed forces from the occupied districts of Azerbaijan. It must be borne in mind that the precedent being set by the Armenian side's "insubordination" to international law has dangerous consequences for peace in the region and for the security of all its States and peoples.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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# LETTER DATED 15 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

It is with great concern that I inform you that military formations of the Armenian army, in violation of the cease-fire agreement reached earlier, launched a massive attack on the night of 14/15 August 1993 against the Fizuli and Djebrail districts of Azerbaijan which border Nagorny Karabakh, capturing a total of 10 settlements. Casualties were numerous and included many elderly women and children.

As a result of the Armenian army's barbaric actions, which have not spared even the innocent civilian population, thousands of people, having left all their possessions at home, have clogged the roads of the Republic, swelling the already vast ranks of the refugees, whose number is approaching one million.

The massive attack and advance of the Armenian armed forces deep into Azerbaijan continues, posing a major threat to the lives of thousands of peaceful inhabitants of the Republic. The aggressor is not only failing to liberate previously occupied territory in Azerbaijan, but is in fact pursuing its expansion, counting on resolving the conflict solely by force.

In order to become acquainted with the situation first-hand, the head of the temporary United Nations office at Baku, Mr. Mahmoud El-Said, paid a visit to the Fizuli, Zangelan, Barda, Agdam, Tauz and Kazakh districts of Azerbaijan on 12 and 13 August. On numerous occasions during the visit the United Nations mission came under fire from Armenian positions. A building in the village of Garvend (the only village in the Agdam district under Azerbaijani control), which temporarily housed the head of the Agdam executive authorities and where Mr. El-Said was located, was subjected to rocket fire.

In the Zangelan district, Mr. El-Said was shown a foreign tank captured from the Armenian army on which a flag and serial number were depicted. In the Kazakh and Zangelan districts, where he was very near to villages captured by the Armenian armed forces, he witnessed their burning and destruction. Wherever he went, he was told about the situation of refugees.

In the town of Kazakh, the United Nations representative was shown the corpse of an Azerbaijani (civilian) who had been captured by the Armenians and had subsequently escaped and died after reaching home. In captivity he had been subjected to severe torture and brutality - the nails had been torn from his fingers and toes, and his chest bore the marks of cigarette burns. This fact was also observed by Mr. El-Said.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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LETTER DATED 15 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that Armenian armed detachments have begun another massed offensive against the Fizuli and Djebrail districts of Azerbaijan, which are situated outside the Nagorny Karabakh region of the Azerbaijani Republic. Through large-scale attacks, the Armenian army seized a total of ten villages. There are numerous casualties among the peaceful population.

As a result of these barbaric actions, thousands of people were forced to abandon their homes, adding to the already sizeable army of refugees and displaced persons, whose numbers have begun to approach one million.

On 14 August, the Armenian aggressors seized six more populated areas in the Agdam district of Azerbaijan. Eyewitness accounts again speak of atrocities committed by Armenian forces against the unarmed local population.

Thus, not only are Armenian troops not withdrawing from previously occupied Azerbaijani territory, but overt Armenian expansion deep into Azerbaijan is also continuing.

This latest spiral in the military escalation once again demonstrates that the Armenian side is openly ignoring Security Council resolutions 822 (1993) and 853 (1993) and rejecting a peaceful settlement of the Nagorny Karabakh conflict, relying exclusively on force to resolve the conflict.

The Azerbaijani Republic strongly condemns the aggressive policy of the neighbouring Republic and draws the attention of the world community to the inadmissibility of the use of force in resolving a regional conflict and urgently demands that the United Nations, the Conference on Security and Cooperation in Europe and the countries of the international community make use of their authority and all available possibilities to restrain the aggressor and prevent the further destruction of the peaceful population, and the towns and villages of Azerbaijan.

As distinct from the Armenian army's occupation of the Nagorny Karabakh region of the Azerbaijani Republic, and the Lachin, Kelbajar and Agdam districts

of Azerbaijan, the Security Council must take preventive measures to avert the further seizure of Azerbaijani territory by Armenian armed detachments.

In this connection, I should like to make a request to you concerning the possibility of considering the adoption of such measures at a meeting of the Security Council and also request to meet with you on Monday, 16 August, at any convenient time.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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16 August 1993

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# LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter dated 11 August 1993, from my President to Your Excellency.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

Annex

Letter dated 11 August 1993 from the President of the Presidency of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

Relating the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia that was submitted to the United Nations Security Council on 6 August 1993 (S/26260), I would like to make the following objections to the report:

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1. In our opinion the report does not give a true picture of the cause and nature of the war in Bosnia and Herzegovina, nor does it so relating the course of the peace negotiations. The complex ethnic structure and the historical background are not the essential causes of the war. The cause of the war is the aggression from the outside. This has also been the position taken by the international community which has imposed sanctions over Serbia due to incentiveness and continuation of the war.

2. The report unjustly identifies the role and the responsibility of legal institutions of the State that is defending herself with those who want to destroy that State through force or who want to change its constitutional structure through force again. The influence of the arms embargo imposed to a country that has legitimate right to defend itself has not been mentioned in the report, nor has it been mentioned in what way it has been reflected upon the war that is in progress and the peace talks themselves.

3. The report does not address either the repeated practice of conducting new occupations during the negotiations, which is against to what has been agreed. The use of force and threats to continue with the war has substantially determined the course of the negotiations. The report does not identify, nor does it raise the issue of the responsibility of those who are violating the Security Council resolutions and the provisions of international war laws and human rights. The proposals as made by the sides are not respectively fairly interpreted. The proposals of the Bosnian delegation, that were submitted also in writing, have not been quoted or attached in the appendices. Our reserve relating article 1 of the Constitutional Agreement has not been mentioned, or it has been addressed as a request for clarification.

4. The report does not take note of the crucial fact, to which we pointed repeatedly, being that the agreement given for each document is conditioned by the agreement on the overall package of the proposed documents. This is what we hereby emphasize as well.

5. The Presidency of the Republic of Bosnia and Herzegovina insisted at the negotiations in Geneva that the settlement for Bosnia and Herzegovina should be based upon the United Nations Charter, relevant United Nations Security Council resolutions, London Conference decisions and European Community documents. Considering these documents as a definition of the mandate of both the

Conference and its Co-Chairmen, we have warned against not holding to the principles as defined by these documents.

6. The report and the proposed documents, despite our warning, contain the proposals which we do not consider to be in accordance with the mentioned principles. Therefore we ask you, when finalizing the Geneva Conference documents, to bear in mind the following objections, i.e. to inform thereof the United Nations Security Council Member States:

I. CONSTITUTIONAL AGREEMENT FOR A UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

7. The title and the concept of this document raise doubts relating the position of legally and democratically elected administration institutions and constitutional structure of the Republic of Bosnia and Herzegovina as an internationally recognized State and a Member State of the United Nations. Its internal constitution has been changed through a non-constitutional manner, through the agreement between the representatives of the legal authorities and the personalities that have been illegal, but have military power at their disposal. Thus force and the so-called actual State have been unreasonably taken for basic criteria in creating of the new constitutional and legal situation. Therefore we continue to maintain that this document should be regarded as Constitutional Principles for future Constitution of the Republic of Bosnia and Herzegovina which is to be adopted within the framework of the International Conference on the Former Yugoslavia, as envisaged by the Vance-Owen plan.

8. Article 1 of the Constitutional Agreement does not contain an explicit provision that the Union is a State. This issues in substantial consequences relating the international and legal personality and continuity of the Republic of Bosnia and Herzegovina. We demand the United Nations Security Council bring the resolution which will reaffirm that the Union of the Republics of Bosnia and Herzegovina maintains the membership of the Republic of Bosnia and Herzegovina in the United Nations.

9. The Constitutional Agreement and other documents omit or inappropriately address the issues relate the return of refugees and reversal of ethnic cleansing. Therefore we ask for additional guarantees relating the same issue, at least those as given by the Vance-Owen plan. We have demanded these guarantees in a separate letter addressed to the Co-Chairmen. The guarantees are as follows:

(a) Explicit right of all the refugees and displaced persons to return to their homes and commitment by the authorities to provide for this, as well as the guarantees of the international community that this will be realized. Provisions on the right to settle in any part of the territory in principle are not sufficient.

(b) Provision relating all the statements and papers signed under the pressure during the war on disowning of the real estate and other property not to have any legal force has not been included either.

(c) UNPROFOR Civil Police must control and provide for ethically proportioned structure of local police forces, prevent reprisals against

minority population, protect those who are returning and contribute in every respect to the reversal of ethnic cleansing through putting into force all the court decisions, the Court for Human Rights in particular, as well as assist to the Commission and observers for human rights.

(d) The United Nations Secretary-General, as proposed by the Vance-Owen plan, should establish Commission for Human Rights for Bosnia and Herzegovina, which is to be organized in such a way that it can make records on all violations of human rights, take steps in order to remove these incidents and thereupon report, on a regular basis, to the United Nations Secretary-General, Security Council and the United Nations Commission for Human Rights, and other relevant international institutions.

II. APPENDIX II

10. Paragraph 32 of the report contains the statement that during the talks on the maps and the borders of the future republics a great deal of progress was made which is not correct. At the same time the report gives a great number of contentious issues, the positions of the sides being very distant.

11. The document does not address urgent issues like the PTT system, production and management of electric power, airspace control, radio links, water supply and water management system, establishing of the minimum of ecological standards that are of common interest for the entire Union.

III. APPENDIX III

12. In the Peace Agreement for Bosnia and Herzegovina there is no provision on placing heavy weaponry under effective international control, as it has been explicitly determined by United Nations Security Council resolution 752 and the London Conference decisions. The Agreement includes only a provision on monitoring of the withdrawal of heavy artillery which is not sufficient and is not in accordance with the mentioned international acts.

13. The Agreement does not resolve the issue of where the armed forces are to withdraw until demilitarization takes place, which would be in accordance with the new political settlement.

IV. APPENDIX IV

14. This document, inadequately recalling the 1965 Convention on Transit Trade of Land-Locked States (Bosnia and Herzegovina has access to the sea), three parties signatories of the agreement with the Republic of Croatia are mentioned. The organs of Bosnia and Herzegovina as provided by its Constitution have legitimacy for signing international treaties. Since the Union succeeds the State and legal continuity of the Republic of Bosnia and Herzegovina, the rights and commitments issuing out of this agreement are succeeded by the Union.

V. IMPLEMENTATION

15. The issue of the implementation of what is agreed has not been considered during the negotiations in Geneva. We expect that the Security Council, NATO and the European Community will give relevant international guarantees and

secure efficient implementation of the agreement which, we hope, will be reached.

Geneva, 11 August 1993

(Signed) Alija IZETBEGOVIC
President of the Presidency

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16 August 1993

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# REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 2 OF SECURITY COUNCIL RESOLUTION 847 (1993)

## INTRODUCTION

1. In its resolution 847 of 30 June 1993, the Security Council decided to extend UNPROFOR's mandate for an additional interim period terminating on 30 September 1993, and requested the Secretary-General to report after one month on progress towards implementation of the United Nations peace-keeping plan for Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government. The Security Council further decided to reconsider, in the light of this report, UNPROFOR's mandate in the territory of the Republic of Croatia.

## I. BACKGROUND

2. It will be recalled that in my report of 25 June 1993, I drew attention to the failure of the parties to permit implementation of the United Nations peace-keeping plan and to cooperate in establishing a political process which would offer the prospect of an early agreed settlement. I noted, nevertheless, that the presence of UNPROFOR was indispensable to control of the conflict, to the fostering of a climate in which negotiations between the parties could be promoted, to prevent the resumption or escalation of conflict, to provide a breathing-space for the continued efforts of the peacemakers and to support the provision of essential humanitarian assistance. I further informed the Council that the termination of UNPROFOR's mandate at that point would, in the judgement of my Special Representative, risk the resumption of a major conflict in the region and cause severe adverse consequences for humanitarian relief operations.

3. At the same time, I drew attention to the fact that UNPROFOR soldiers were increasingly being targeted by all sides and informed the Council that should the threats to the safety and security of United Nations personnel, "which have already reached unacceptable levels", mount further, I would have to inform the Council that a viable basis for their functioning no longer existed.

4. In recommending that the Security Council extend the mandate of UNPROFOR by a further three months, to 30 September 1993, I stated that "significant progress will be required in the peacemaking efforts of the Co-Chairmen if any further renewal is to be contemplated beyond that date".

## II. IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS

5. The situation with regard to the implementation of United Nations resolutions has not changed since the submission of my previous report of 25 June 1993. During the past month the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have made determined efforts for the implementation of Security Council resolutions 802 (1993) and 847 (1993). I should like to draw attention in this regard to the Report of the Co-Chairmen which I transmitted to the Council on 3 August 1993 (S/26233, paras. 15-26).

6. The Security Council issued, on 15 July 1993, a Presidential statement (S/26084) in which it noted that it continued to attach the highest importance to securing the reopening of the Maslenica crossing to civilian traffic. Nevertheless, it considered that the Croatian Government's planned unilateral reopening of the Maslenica Bridge and of Zemunik Airport on 18 July 1993, in the absence of agreement between the parties and others in cooperation with UNPROFOR, would jeopardize both the objectives of the Council's resolutions and in particular the call in its resolution 847 (1993) for agreement on confidence-building measures and the efforts of the Co-Chairmen of the International Conference on the Former Yugoslavia and UNPROFOR to achieve a negotiated settlement to the problem. The Security Council urged the Government of the Republic of Croatia to refrain from this action.

7. Subsequently, in the light of information received from my Special Representative, the Council issued another Presidential statement on 30 July 1993 (S/26199) in which it called for the implementation of an agreement reached by the parties on 15/16 July 1993 at Erdut, which required the withdrawal of Croatian armed forces and police from the area of the Maslenica Bridge by 31 July 1993, and the placing of the bridge under the exclusive control of UNPROFOR.

8. Subsequent to the adoption of the preceding statement, UNPROFOR, in order to achieve the withdrawal of the Croatian forces in fulfilment of the Erdut agreement, moved 2,000 troops into the areas adjacent to those from which the Croatian forces should withdraw. It has, however, been unable to deploy because the Croatian military authorities would not allow UNPROFOR full access to the areas concerned, nor provide any cooperation towards the planning or reconnaissance of the operation.

9. On 2 August 1993, following Serb shelling of the area, one of the pontoons of the Maslenica Bridge sank, but the Co-Chairmen concluded that there was still enough common ground to continue negotiations. They therefore extended an invitation to both sides to come to Geneva at their earliest convenience to begin negotiations on a cease-fire which will include the elements of the original Erdut agreement. The parties have accepted the invitation and talks started on 12 August 1993 in Geneva.

## III. OBSERVATIONS

10. It will be clear from the above that the problems described in my earlier report on the situation in Croatia have not been resolved. I have none the less instructed my Special Representative and the Force Commander of UNPROFOR to maintain their efforts to persuade both sides to cooperate with UNPROFOR in the implementation of Security Council resolutions. It is therefore my view that no action should be taken at this stage to reconsider UNPROFOR's mandate in the territory of the Republic of Croatia. Whether, and in what manner, progress in the implementation of the United Nations peace-keeping plan for Croatia can be achieved will be influenced by the outcome of current efforts for the implementation of Security Council resolutions 802 and 847. In this regard, faithful compliance by all sides with agreements voluntarily entered into, as well as scrupulous respect for the injunctions of the Security Council, are crucial. Peace can only be advanced if negotiations are carried out in good faith and agreements reached through such negotiations are fully implemented. I shall submit a further recommendation to the Council in the latter half of September.

11. In a letter dated 30 July 1993, addressed to me (S/26220), the Permanent Representative of the Republic of Croatia drew attention again to the letter of the Minister for Foreign Affairs of the Republic of Croatia (S/25973) proposing the separation of the mandate of UNPROFOR into three independent mandates, for the Republic of Croatia, Republic of Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia respectively. Following consultations with my Special Representative and the Force Commander, I have given the matter careful consideration, but in view of the overlapping political, administrative and operational considerations that have so far justified an integrated mandate, I am unable at this time to respond positively to the Croatian proposal. I shall, none the less, keep the matter under review.

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# REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

## INTRODUCTION

1. In my letter dated 26 April 1993 (S/25697), I informed the members of the Security Council of my decision, after consulting with the Government of Tajikistan and others, to appoint Mr. Ismat Kittani as my Special Envoy for Tajikistan for an initial period of three months. In the letter, I outlined Mr. Kittani's mandate as follows:

(a) To obtain agreement on a cease-fire and make recommendations on such international monitoring mechanisms as may be appropriate;

(b) To ascertain the positions of all the concerned parties and make good offices available to assist the establishment of a process of negotiations for a political solution;

(c) To enlist the help of neighbouring countries and others concerned in achieving the above objectives.

2. In a letter dated 29 April 1993 (S/25698), the President of the Council informed me that its members welcomed my decision to appoint Mr. Kittani as my Special Envoy for Tajikistan. They also indicated their interest in receiving reports on Mr. Kittani's mission and on any future recommendations I might wish to make in the context of that mission.

3. Shortly after Mr. Kittani's arrival in Dushanbe on 14 May 1993, he held several meetings with the President, the First Vice-President, the Prime Minister and the Foreign Minister of Tajikistan. He visited Khorog, the regional capital of Gorno-Badakhshan, where he had discussions with various groups, including the field commanders of the major groups opposing the central Government. In Dushanbe, he had an opportunity to exchange views with its small diplomatic community, as well as with a number of opposition elements in the capital. During the same period, the Special Envoy visited the capitals of Uzbekistan, the Russian Federation, Kyrgyzstan, Kazakhstan, the Islamic Republic of Iran and Pakistan and, a few weeks later, Saudi Arabia, for talks with their leaders.

## I. BACKGROUND TO THE SITUATION IN TAJIKISTAN

4. The conflict in Tajikistan has resulted in thousands of deaths and more than 400,000 refugees and displaced persons. It has been influenced by economic, social, demographic, religious and ideological factors, which were aggravated by the rapid pace of change associated with the disintegration of the Soviet Union. This disrupted political and economic structures and raised expectations for fuller participation in the country's affairs in regions and groups that had been traditionally excluded from power, resulting in a struggle between different clans for a redistribution of power. The clans are generally divided by region, except in the Kurgan-Tyube area, where the population is mixed and which has been the scene of the worst fighting. At the same time, independence made possible a revival of Islam in the country. Some members of the Islamic clergy are active in the armed opposition to the current Government, much of which is based in northern Afghanistan, where there are approximately 60,000 Tajik refugees.

5. The conflict in Tajikistan has also been fuelled by an abundance of arms. Large quantities of arms were left by Soviet forces when they evacuated from Afghanistan through the territory of Tajikistan. In addition, after the disintegration of the Soviet Union, the southern border of Tajikistan with Afghanistan (1,387 kilometres in length) became virtually open and porous to arms smuggling.

6. Twenty-five per cent of the 5.5 million population of Tajikistan are Uzbeks. Uzbeks ethnically belong to the Turkic group of peoples, while Tajik culture and language are closely linked to those of the Persian-speaking peoples. The population of Uzbekistan itself includes 1 million Tajiks. In addition, another 10 per cent or more of Tajikistan's population consists of minorities, particularly Russians, Ukrainians and Germans, and smaller groups of Jews, Koreans, Tatars, Georgians, Armenians, Bachkirs and others.

## II. VIEWS OF THE GOVERNMENT OF TAJIKISTAN

7. During the Special Envoy's visit to Dushanbe in May and June 1993, the Tajik leaders described the current situation in the country as difficult and tense, although they pointed out that it was becoming more stable. They indicated that the Government had strengthened its contacts with opposition groups in the Gorno-Badakhshan region and some areas of the Garm Valley, resulting in the lifting of the blockade of the road that connects Dushanbe with Gorno-Badakhshan and the return of more than 2,000 refugees and internally displaced persons. The Tajik authorities said that the situation in the border areas between Tajikistan and Afghanistan and the refugee issue remained matters of the highest concern. They recognized that without the early repatriation of all Tajik refugees from northern Afghanistan, peace and tranquillity could not be achieved. The Tajik leaders emphasized the urgent need for multilateral talks with the authorities of Afghanistan, the Islamic Republic of Iran, Pakistan and Saudi Arabia to discuss confidence-building measures. They further said that the Government would appreciate the assistance of the United Nations to this end.

8. With regard to a cease-fire, the Tajik leaders stressed that the non-use of force was the main principle applied by the Tajik Government to its relations with neighbouring countries.

9. Regarding the establishment of international mechanisms to monitor a possible cease-fire, the Tajik authorities said that they would welcome the dispatch of United Nations peace-keeping forces to the border areas with Afghanistan. In their view, even the deployment of a limited number of United Nations peace-keepers, combined with peacemaking efforts, could be an effective deterrent to further escalation of the conflict.

10. With regard to the establishment of a process of negotiations for a political solution, the Tajik leaders said that they considered a political dialogue leading to a political solution as the only rational way of resolving the existing problems. They pointed out that the Government was using dialogue with leaders of some opposition groups inside the country as the instrument for achieving peace and stability. They did not, however, reply to the question of whom the Government considered to be legitimate counterparts in the political dialogue.

11. In connection with the refugee issue, the Tajik leaders expressed their special concern over the fate of 30,000 refugees in the Kunduz province of Afghanistan, who they believed were being kept by force, prevented from repatriating voluntarily and used as recruits for opposition fighting groups. In this regard, the Tajik leaders recognized the importance of opening a mission of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Kunduz area, which could be instrumental in the voluntary repatriation of the refugees.

## III. VIEWS OF THE TAJIK OPPOSITION

12. In Dushanbe, Khorog and Teheran, my Special Envoy held talks with leaders of the political opposition and other prominent opposition personalities.

13. With regard to a cease-fire, the Tajik opposition leaders said that the explosive situation would continue as long as the issue of refugees was unresolved. They stressed the need for safety and security guarantees for returnees. It was, in their view, regrettable that the Government of Tajikistan had failed to implement its promises on a general amnesty and had continued to persecute its political opponents. In order to achieve a cease-fire, the interlocutors emphasized the need to ascertain the views and to enlist the cooperation of the Tajik armed opposition currently based in Afghanistan.

14. The opposition leaders emphasized the need to establish international mechanisms to monitor a possible cease-fire and the process of national reconciliation. They said that such mechanisms would be essential to ensure political agreements among the parties to the conflict and to provide security guarantees to the representatives of some regions of Tajikistan, and especially to returnees from Afghanistan.

15. The Tajik opposition leaders recognized the need for the establishment of a process of negotiations for a political solution. They expressed different

views on how to identify legitimate and, at the same time, influential interlocutors for negotiations. They said that there were some moderate elements in the current Government, who could be considered as possible interlocutors.

16. As a possible way out of the dangerous political stalemate, some political leaders of the Gorno-Badakhshan region suggested that: (a) a negotiation forum for all political forces of Tajikistan be established; (b) the readiness of the current Government for dialogue and compromise be ensured; and (c) security guarantees be provided to the people of Gorno-Badakhshan and Garm regions, the first of these being a guarantee of their right to life.

17. Certain exiled opposition leaders expressed the need to promote reconciliation of all groups of Tajik society, regardless of their national, ethnic, clan, religious or political affiliations, and their incorporation into the political, economic and social life of the country.

## IV. VIEWS OF NEIGHBOURING AND OTHER COUNTRIES

### A. Establishment of a cease-fire

18. Most of the officials to whom the Special Envoy spoke agreed on the importance of obtaining an agreement on the establishment of a cease-fire. Some raised concerns about the political environment in Tajikistan, pointing out that an explosive situation still existed. They viewed the prospects for an early settlement of the conflict as uncertain and spoke of a danger of further escalation of fighting, both at the Tajik-Afghan border and inside Tajikistan itself. In their assessment, time was running out for engaging exiled Tajik leaders in a serious effort at reconciliation.

19. Others believed that the most critical stage of the civil war in Tajikistan was over and that the situation was relatively stable, but an agreement on a cease-fire remained an important priority. They mentioned that there were political problems in Tajikistan which should be tackled only by political means; otherwise, Tajikistan would remain for a long time a serious problem for the countries of the Commonwealth of Independent States (CIS), especially for its close neighbours.

### B. Establishment of international mechanisms to monitor a possible cease-fire

20. Some officials stressed that such mechanisms and a sound United Nations presence in Tajikistan would be essential to ensure political agreements among the parties to the conflict. They noted that a United Nations presence in Tajikistan would be a serious guarantee of the safety and security of the returnees and would facilitate the strict implementation of the general amnesty decree by the Government of Tajikistan.

21. Other supporters of a monitoring mechanism added that it would provide security guarantees to representatives of some regions of Tajikistan, and especially to returnees from Afghanistan. They stated they would remain ready

to participate in international monitoring mechanisms. Some officials indicated a preference for the deployment of United Nations military observers, after a cease-fire agreement had been reached.

22. It was noted by others that four CIS countries had already agreed on the modalities of a peace-keeping operation in Tajikistan. They also expressed strong interest in the deployment of United Nations military observers, who would ensure the objectivity and impartiality of the CIS peace-keepers and provide them with advice.

### C. Establishment of a process of negotiations for a political solution

23. One neighbouring State believed that a political dialogue between the opposition and the Dushanbe authorities might be the only way out of the current dangerous political stalemate. Its officials said their Government could provide its assistance in facilitating such a dialogue. They were convinced that the issue of Tajik refugees, especially those in the Kunduz area, should not be addressed separately, but only as a part of a comprehensive political solution.

24. Officials of another neighbouring State said that the United Nations and some "friendly countries" should act decisively and as quickly as possible for the establishment of a political process in order to prevent another round of military confrontation. In this regard, they emphasized the need to reintegrate into the political process Tajik groups that had found refuge in Afghanistan and other countries. They emphasized that the mandate of the Special Envoy provided good and realistic grounds for national reconciliation between different Tajik groups.

25. In the view of some authorities, the current Tajik Government enjoyed the support of the majority of the population. They stressed that, under current circumstances, there was no alternative to a political solution and the establishment of a process of negotiations among all concerned Tajik parties. The officials said that they supported and would continue to support the process of stabilization in Tajikistan, but made it clear that genuine national reconciliation could be reached only by the Tajiks themselves.

26. Other supporters of the establishment of a political process emphasized the difficulties in working out modalities for future negotiations. However, the interests of Gorno-Badakhshan, Garm and other regions should also be addressed through a process of political negotiations. In this regard, it was made clear that opposition elements currently based in Gorno-Badakhshan and Afghanistan should be included in the political process. It was also stated that some independent-thinking intellectuals could contribute fruitfully to a process of national reconciliation. Other officials said agreement on a cease-fire and political dialogue for national reconciliation should be considered as a package.

27. As far as the modalities of a possible political dialogue were concerned, some officials said that indirect talks under United Nations auspices might be the best way of engaging the opposing sides and promised that they would do

their utmost to bridge the existing gap between the opposition and the Government.

28. The same officials emphasized that continued instability and fragmentation in Afghanistan had strong negative implications for Tajikistan. They said that the United Nations should undertake comprehensive efforts to address both the Tajik and the Afghan conflicts.

## V. LATEST DEVELOPMENTS

29. During the month of July 1993, disturbing developments have taken place that have reinforced my concern about the situation in Tajikistan and its far-reaching implications for peace and security in central Asia. The most serious development on the ground was a large-scale attack on 13 July 1993 by fighters who crossed the border from Afghanistan into Tajikistan and occupied a Russian military post on the border in the Shurobad district. This major incident resulted in 27 deaths and many more injuries. Its repercussions have transformed the situation into an international crisis of multiple dimensions.

30. A few days before this clash, on the initiative of President Rabbani of Afghanistan, agreement was reached at a summit meeting of the countries members of the Economic Cooperation Organization in Istanbul to establish a commission composed of representatives of Afghanistan, Tajikistan, Uzbekistan and the Russian Federation to find, through negotiation and dialogue, a peaceful solution to the problem on the border between Tajikistan and Afghanistan. This meeting will be held in Dushanbe in late August with the participation of a representative of UNHCR.

31. President Islam Karimov of Uzbekistan also told the Special Envoy that he was thinking of undertaking a parallel initiative involving a larger number of countries. It would call for a regional meeting in Tashkent to review the situation in Central Asia focusing on the Tajik crisis and its ramifications. President Karimov's intention would be that the United Nations should be fully involved in his plan.

32. President Yeltsin approved a decree on 28 July 1993 on the settlement of the situation at the Tajik-Afghan border, appointing Foreign Minister Kozyrev as his Special Representative for Tajikistan. He is authorized to implement measures to promote talks between the Government of Tajikistan and the Tajik opposition and to facilitate the dialogue between Uzbekistan, Kazakhstan, Kyrgyzstan and Turkmenistan on the settlement of the conflict.
President Yeltsin also took the initiative of hosting a summit meeting of heads of State and Government from Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan on the situation in Tajikistan, which took place in Moscow on 7 August 1993. A representative of the President of Turkmenistan also attended the summit. At the meeting, the leaders, inter alia, emphasized that a political settlement remained the main priority and called on the international community to support efforts to reach a political settlement. At the same meeting, the Tajik Government expressed its intention to develop a dialogue with opposition forces.

## VI. OBSERVATIONS

33. The Special Envoy, in all his discussions, has emphasized on my behalf that violence and continuing armed conflict would not solve the problems of Tajikistan, but would lead only to more bloodshed and further aggravate the situation. A solution can come only through peaceful reconciliation with the widest possible participation of all political groups and all the regions of the country. In addition, he has told all concerned that the High Commissioner for Refugees should be allowed to carry out her mandate in all parts of Afghanistan so that she can, in particular, reach all concentrations of Tajik refugees.

34. Given the escalating crisis on the Tajik-Afghan border, which has had varied reactions in Afghanistan, I have asked my Special Envoy to visit Kabul as soon as possible for discussions with government leaders regarding his mandate in Tajikistan and to ascertain the views and positions of the Tajik opposition leaders residing in Afghanistan. In addition, Mr. Kittani will also visit other countries of the region.

35. I continue to be deeply concerned at the situation in Tajikistan, which now contains the seeds of a major threat to peace and security for central Asia and beyond. What is urgently needed is a concerted effort to persuade the Government of Tajikistan and all major tendencies in the opposition to accept the need for a political solution and to participate in a negotiating process. I have asked a number of interested Governments to assist me and my Special Envoy in such an effort and I have received a favourable response. I have also let it be known that I will be ready to recommend to the Security Council a positive reaction to any reasonable request by the parties for United Nations assistance in their efforts to implement the various initiatives under consideration.

36. In these circumstances, I propose to extend the mandate of my Special Envoy for a further three months, i.e. until 31 October 1993.

37. The Special Envoy has reported to me that UNHCR, the United Nations Children's Fund, the World Food Programme and the World Health Organization are conducting humanitarian operations in the country. Emergency humanitarian assistance commenced in January 1993, when the first United Nations appeal was issued. Assistance was increased following the disastrous floods two months ago. The Special Envoy's view, with which I agree, is that Tajikistan needs advice and assistance in developing various parts of its economic and social infrastructure, as well as humanitarian assistance, which will be required at least until the spring of 1994. The Government has also sought United Nations advisory services in the field of human rights.

38. In order to provide these different types of support to the Government of Tajikistan, a multifaceted United Nations presence will be required in Dushanbe. I shall be discussing with the Government and with the various agencies, programmes, funds and offices how this presence can best be organized. In the interim, I propose to extend, for a period of three months, the small team of United Nations officials currently in Tajikistan.

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17 August 1993

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LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you a letter dated 14 August 1993 addressed to you by H.E. Mr. Vahan Papazian, Minister for Foreign Affairs of Armenia.

I should be grateful if you would circulate the letter as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative

Annex

Letter dated 14 August 1993 from the Minister for Foreign Affairs of Armenia addressed to the Secretary-General

The recent events that have taken place on the Armenian-Azerbaijani border compel me to appeal to you.

On 13 August, from 5.30 p.m. to 11.30 p.m., the Azerbaijani armed forces, using all types of weapons and with unprecedented intensity, bombarded the Armenian towns and villages of the Tavush and Ijevan regions in the north-eastern part of Armenia. In the Tavush region, the villages of Paravakar, Nerkin Karmiraghpiur, Movses, Aygedzor, Aygepar, Tovuz, Chinar, and Berd regional centre were all subjected to heavy bombardment. As a result, 3 high-rise buildings and 13 homes were destroyed in the regional centre. There was substantial damage in all the other above-mentioned villages. From the civilian population, four were injured, one critically. Close to 22 hectares of grain crop were destroyed, and a large number of agricultural vehicles damaged beyond repair. There is widespread destruction in the Kayanavan and Sevkar villages of Ijevan region. The same day, the Yerazkh and Sevakavan villages of Ararat region were also subjected to bombardment from the territory of the Republic of Nakhijevan. The Armenian side has not responded.

These unprecedented offensives by the Azerbaijani side once again testify to the fact that some circles in the Azerbaijani Government have not resigned their futile and myopic policy of drawing Armenia into a large-scale war and through it exacerbating the ongoing conflict in the region.

Parallel to this, we have received information that the military activities in the vicinity of the Markaterk and Hadrut regions of Nagorny Karabakh have been intensified, and the Hadrut region from the direction of Fizuli region is being shelled and attacked. There are also attacks on the humanitarian corridor linking Armenia to Nagorny Karabakh.

These provocative operations make us think that, despite the first steps of the Baku-Stepanakert dialogue, Azerbaijan continues its policy of imposing a military solution to the Nagorny Karabakh conflict. Obviously, these operations jeopardize all the efforts of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) for the peaceful resolution of the conflict, something which deeply concerns the leadership of the Government of Armenia.

Remaining truthful to the principles of peaceful resolution, the Armenian authorities have refrained from responding in kind. However, in the event of the persistence of the operations, the Government of Armenia reserves the right to take appropriate actions to eliminate the threat to its territorial integrity and the security of its people, the consequences of which fall entirely upon the leadership of Azerbaijan.

I would like to reiterate once again the sincere commitment of the Armenian authorities to contribute to the efforts of the Minsk Group for the political resolution of the conflict.

(Signed) Vahan PAPAZIAN

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# LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement issued by the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya on 14 August 1993 following the renewal by the Security Council of the sanctions imposed under resolution 748 (1992).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Statement issued by the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya on 14 August 1993

The General People's Committee for Foreign Liaison and International Cooperation expresses its strong indignation that the sanctions imposed on the Libyan Arab people are to be maintained despite the divergence of views that was apparent in the consultations among the members of the Security Council, thereby confirming that the measures and initiatives taken by the Great Socialist People's Libyan Arab Jamahiriya in implementation of Security Council resolution 731 (1992) had met with a positive response and were welcomed within the Council itself. This conflicts with the rigid positions being maintained by the three Western States in disregard of all the concrete measures taken by the Great Socialist People's Libyan Arab Jamahiriya for the implementation of resolution 731 (1992).

Despite the continued suffering of the Libyan Arab people under the burden of the sanctions imposed on it by the unjust application of resolution 748 (1992), the Great Jamahiriya has spared no effort and neglected no available means in order to affirm its concern to see justice done and to comply with international law, in a framework of constructive dialogue and mutual understanding that eschews the language of intimidation, in the expectation that this would lead to the lifting of the sanctions.

Despite the foregoing, the General People's Committee for Foreign Liaison and International Cooperation once again affirms as follows:

1. The Great Jamahiriya has complied with resolution 731 (1992) in all its aspects, and it has informed the Secretary-General of the United Nations of all the measures it has taken in implementation of that resolution. It has cooperated with the Secretary-General and his envoys in a positive manner out of respect for international legitimacy and in its concern for a peaceful solution to the crisis that respects the interests of all parties. This refutes the statement made in the declaration of the three Western States accusing the Jamahiriya of being in defiance of the Security Council.

2. The Jamahiriya has acceded to the request for cooperation with the United Kingdom with regard to the organizations that it accuses of terrorism, and the United Kingdom has given official expression to its satisfaction with that cooperation.

3. The Jamahiriya has expressed its complete readiness to cooperate with French justice, and talks are still in progress with the French authorities with a view to having the magistrate entrusted with the dossier come to the Great Jamahiriya to complete his inquiries. It is hoped that this will take place as soon as possible.

4. The Great Jamahiriya acknowledges that it is necessary for the two suspects to be brought to trial, and it is prepared to discuss the venue where the trial must be held if it is to be just and fair.

5. The Jamahiriya affirms that the reversion of the three Western States to the language of intimidation and blackmail, as in their latest declaration, does not advance the goal that the United Nations is seeking to achieve, namely the peaceful settlement of disputes between States, respect for international norms and conventions and regard for the sovereignty of States. The first step towards that goal is the adoption of a language of serious dialogue between the parties to the dispute with a view to reaching peaceful solutions that are satisfactory to all parties, and it is this that has been urged by all the regional and international organizations, in particular the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries. Moreover, the current approach does not serve the interests of the families of the victims. The Jamahiriya therefore declares before world public opinion that it is fully prepared to sit down at the negotiating table with the parties concerned and the Security Council in order to arrive at a peaceful solution to the crisis that will serve the interests of all parties.

Given the rejection by the three Western States of all the measures it has taken to meet the demands made upon it by resolution 731 (1992), and given its refusal to accept that its people should continue to suffer under the sanctions for a long time to come, the Great Jamahiriya can only request the Secretary-General and the Security Council to establish a mechanism for reaching a mutual understanding of what it is that resolution 731 (1992) requires and of what measures the Jamahiriya has taken to meet those requirements. The Council may then be persuaded that the Great Jamahiriya has discharged all of its obligations, and the maintenance of the sanctions against its people would be shown to be unjust and aberrant and find none to support it among the members of the Security Council or in the international community as a whole.

It is indeed astonishing that in their declaration the three Western States should have set a time-limit of a matter of weeks for the resolution of a problem of such proportions and one that, as they acknowledge, required long years of investigation and research in order to uncover no more than a suspicion.

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# LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

## Activities of the Republic of Armenia following the adoption of Security Council resolution 853 (1993) of 29 July 1993

I have the honour to report that, as a result of the large-scale attacks by the Armenian armed forces, the following settlements have been captured in the past few days in the Djebrail and Fizuli districts of Azerbaijan:

Djebrail district

1. Dashbashi;
2. Mazra;
3. Sur;
4. Banazur;
5. Mulkudari;
6. Arakul;
7. Gushchular;
8. Gushlag.

Fizuli district

1. Ashagi Beysaly;
2. Gochakhmedli;
3. Kargabazar;
4. Sardarly;
5. Karakellu;

6. Garadagly;

7. Djuvarly;

8. Khalavsha;

9. Gevshadly;

10. Divanallar;

11. Gajar;

12. Dilagarda;

13. Yukhari Veisally;

14. Ashagi Divanallar.

Taking into account those captured previously by Armenian military formations, there are in all more than 20 occupied villages in the Fizuli district of Azerbaijan and 17 in the Djebrail district.

In addition to the military offensives in the Fizuli and Djebrail districts of Azerbaijan, the Armenian army is continuing military operations in the Agdam district of Azerbaijan.

On 14 August six more villages were added to the 49 previously captured settlements in the Agdam district and the town of Agdam itself:

1. Shirvanly;

2. Karakashly;

3. Geytepe;

4. Kosalar;

5. Shishpapagly;

6. Eyvdkhanbeyli.

The total number of villages and towns captured by the Armenian armed forces stood at 55.

Thus the Armenian side is completely ignoring implementation of Security Council resolution 853 (1993), which demands "the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic".

In view of the above, we call on the Security Council to take effective measures to:

- Halt Armenia's armed aggression against Azerbaijan;
- Stop the Armenian armed forces' invasion of Azerbaijani territory;
- Condemn Armenia's aggression against Azerbaijan;
- Demand that Armenia withdraw all its armed formations from the captured and occupied Azerbaijani lands;
- Impose all appropriate sanctions against Armenia, as aggressor and usurper;
- Call on Armenia to abide by the norms of international law and the Charter of the United Nations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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# LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that, in connection with the latest offensive by the Armenian armed forces, the press service of the President of Azerbaijan issued a statement that "in recent days the armed forces of the Republic of Armenia have considerably stepped up their offensive operations. Additional populated areas in the Agdam, Fizuli and Djebrail districts have been occupied; and there is a real danger that the district centres of Fizuli and Djebrail will be seized. In these districts, there are numerous casualties among the peaceful population, and the security of the inhabitants of the Kubatly and Zangelan districts of Azerbaijan has also come under threat".

"As developments have indicated", the statement continues, "Armenia's conduct is, to a considerable extent, explained by the inadequate response to the current situation by the authoritative countries and organizations of the international community. A formal condemnation of the Armenian side which is not reinforced by a concrete mechanism for blocking its openly aggressive policy merely creates a favourable atmosphere for the further seizure of territory and encourages the expansionist ambitions of official Erevan. As a result of this, Armenia's leaders have in fact begun to apply with regard to Azerbaijan the doctrine of 'a people without a land, and a land without a people'. Furthermore, the reluctance of individual countries to characterize Armenia's actions as aggressive and the assumption of equal responsibility on the part of the parties to the Armenian-Azerbaijani conflict in practice are helping to legalize the territorial acquisitions of Armenia. Consequently, Armenia's actions are increasingly at variance with the norms of international law, eluding control by the United Nations and the Conference on Security and Cooperation in Europe (CSCE), and becoming a threat to the security of Azerbaijan's neighbouring States, including the Northern Caucasus of Russia, Iran, Turkey and Georgia".

"In this connection", the statement underscores in conclusion, "Azerbaijan once again draws the attention of the States Members of the United Nations to the need to condemn immediately and forcefully Armenia's expansionist policy and promote the adoption of effective measures to halt the increasing aggression against the independent Azerbaijani State".

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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# LETTER DATED 16 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that the large-scale offensive by the Armenian armed forces against the Djebrail and Fizuli districts of Azerbaijan, which has been continuing over the past several days, has created an extremely difficult situation in the region.

The Armenian army has besieged the district centres of Djebrail and Fizuli, having seized practically all the surrounding villages. There are numerous casualties among the peaceful population. Panic-stricken refugees are streaming from these regions towards the border with the Islamic Republic of Iran.

As they advance, the Armenian armed forces are using modern armoured equipment, tanks and manpower which were transported ahead of time from Armenia to the combat zone.

The Armenian army is directing its basic strikes towards the south in the hope of reaching the Azerbaijani-Iranian border, which lies at a distance of only 25 kilometres from it. If these plans are carried out, four districts of Azerbaijan - Fizuli, Djebrail, Kubatly and Zangelan, with a population of more than 200,000 persons and an overall area of 3.9 thousand square kilometres - will be cut off from the Republic.

Moreover, this will also increase the distance between the Nakhichevan region of Azerbaijan and the remaining part of the Republic from 46 kilometres to 136 kilometres, which will make it absolutely impossible to transport goods to that blockaded region of the Republic. Under an agreement with the Islamic Republic of Iran, humanitarian shipments are being delivered to Nakhichevan through that country's territory across a bridge recently built over the frontier river Araz in the Djebrail district of Azerbaijan.

In connection with what has been stated above, I request you to consider and take as soon as possible all necessary measures to halt the open annexation of Azerbaijani lands by the Republic of Armenia.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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# FURTHER REPORT OF THE SECRETARY-GENERAL SUBMITTED IN PURSUANCE OF PARAGRAPH 18 OF RESOLUTION 814 (1993)

## INTRODUCTION

1. The present report is submitted pursuant to paragraph 18 of Security Council resolution 814 (1993) of 26 March 1993, in which the Council requested me to keep the Security Council fully informed on action taken to implement the resolution, in particular recommendations for the establishment of Somali police forces, and on the progress achieved in accomplishing the objectives set out in the resolution.

2. The substance of resolution 814 (1993) reflects the complexity of the anarchic situation that had developed in Somalia from factional strife, causing prolonged suffering of its people. It was evident that, to reconstruct the country's political, social and material infrastructure on a lasting basis, much time and effort would be required. The effective action by the Unified Task Force (UNITAF) in the early part of 1993 and, after 4 May, by the United Nations Operation in Somalia (UNOSOM) with an expanded mandate has led to a significant improvement in conditions almost all over Somalia. Unfortunately, the recalcitrance and narrow interests of certain elements have prolonged unstable and insecure conditions in Mogadishu, seriously hindering UNOSOM's efforts to help Somalia towards recovery.

3. The present report covers the activities of UNOSOM up to 31 July 1993. Section I deals with the organization of the mission. Section II contains an outline of developments on the progress made in the consolidation, expansion and maintenance of a secure environment in Somalia and the issues of cease-fire, disarmament and the removal of mines. A brief account of the progress made towards the re-establishment of the Somali police force, judicial and penal systems is covered in section III and my recommendations on the assistance UNOSOM could provide for the re-establishment of the Somali police force are to be found in the annex to the present report. The promotion and advancement of political reconciliation and the re-establishment of national and regional institutions and civil administration are dealt with in section IV. The relief, economic rehabilitation and repatriation of refugees and displaced persons are discussed in section V. Section VI covers public information activities in support of UNOSOM objectives. I have included my observations in section VII, for the consideration of the Council.

## I. ORGANIZATION OF MISSION

4. Following the transfer of military command from UNITAF to UNOSOM on 4 May 1993, the organizational plan for assigning areas of responsibility was modified to reflect the composition of existing forces of UNOSOM. The nine UNITAF humanitarian relief sectors were realigned into four UNOSOM areas of responsibility: Kismayo, Baidoa, Merca-Mogadishu and Belet Weyne-Jalalasi.

5. In accordance with the UNOSOM operational plan, the consolidation of United Nations forces in areas for which UNITAF had undertaken responsibility was completed. UNOSOM Commanders continued normalization and stabilization actions and fine-tuning command and control of assigned units in their respective areas. A number of adjustments were necessary owing to the departure of the bulk of the United States units before 4 May, the Australian contingent on 16 May and the Canadian contingent on 1 June.

6. The reinforcement of UNOSOM military units has not been as rapid as planned but both Force Headquarters Command and total strength have been progressively built up. Current strength is a little over 20,000 troops and other military personnel from 27 countries. The additional deployments planned for the months of August and September 1993 will bring the force strength to the authorized level of 28,000. At the peak of its deployment, UNITAF had 37,000 troops distributed over approximately 40 per cent of the territory of Somalia. As at 31 July 1993, the UNOSOM contingent breakdown was as follows:

| Country | Description | Strength |
|---|---|---|
| Australia | Movement control unit | 30 |
| Bangladesh | Infantry battalion | 25 |
| Belgium | Brigade headquarters | |
| | Infantry battalion | |
| | Total, Belgium | 998 |
| Botswana | Infantry company | 204 |
| Canada | Headquarters staff | 5 |
| Egypt | Infantry battalion | 540 |
| France | Brigade headquarters | |
| | Infantry battalion | |
| | Aviation unit | |
| | Logistics battalion | |
| | Total, France | 1 130 |
| Germany | Logistics unit | 772 |
| Greece | Field hospital | 110 |
| India | Headquarters staff | 5 |
| Italy | Brigade headquarters | |
| | Infantry battalions | |
| | Aviation unit | |
| | Logistics/engineering | |
| | Medical unit | |
| | Total, Italy | 2 538 |

| Country | Description | Strength |
|---|---|---|
| Kuwait | Infantry company | 108 |
| Malaysia | Infantry battalion | 873 |
| Morocco | Infantry battalion | |
| | Support unit | |
| | Total, Morocco | 1 341 |
| New Zealand | Supply unit | 43 |
| Nigeria | Recce battalion | 561 |
| Norway | Headquarters company | 137 |
| Pakistan | Brigade headquarters | |
| | Infantry battalions | |
| | Signal unit | |
| | Supply and transport company | |
| | Engineer squadron | |
| | Medical unit | |
| | Electrical and mechanical engineering workshop | |
| | Ordnance company | |
| | Total, Pakistan | 4 973 |
| Republic of Korea | Engineer battalion | 61 |
| Romania | Field hospital | 236 |
| Saudi Arabia | Infantry battalion | 678 |
| Sweden | Field hospital | 130 |
| Tunisia | Infantry company | 143 |
| Turkey | Infantry battalion | 320 |
| United Arab Emirates | Infantry battalion | 763 |
| United States | Logistical unit | 2 703 |
| Zimbabwe | Infantry battalion | 928 |
| Headquarters staff | | 284 |
| Provost Marshal section | | 68 |
| Grand total | | 20 707 |

(The United States Quick Reaction Force, with a total of 1,167 all ranks, is deployed in support of UNOSOM, but is not part of the United Nations force.) Efforts will be made to have additional units deployed in the next few weeks, including:

| | | |
|---|---|---|
| India | Infantry brigade | 4 983 |
| Bangladesh | Remaining contingent | 935 |
| Germany | Remaining contingent | 868 |
| Ireland | Transport company | 80 |
| Nepal | Infantry battalion | 317 |
| Republic of Korea | Remaining contingent | 189 |
| Uganda | Infantry company | 300 |
| Zambia | Infantry battalion | 500 |

UNOSOM plans to expand to the central region to help to provide stability in a heretofore contested area, to the north-east, which is relatively stable, and to the southern border area to facilitate the return of the large numbers of Somali

refugees from Kenya. However, these efforts are heavily dependent on the timing of arrival and size and capability of the additional forces.

7. As at 31 July 1993, UNOSOM military casualties were 39 killed and 160 wounded. Six Somali civilians working for UNOSOM were also killed.

8. From the outset, a major difficulty was created by the administrative and logistical requirements of supporting and deploying this very large number of troops from many countries within a relatively short time-frame. Administrative, financial and logistical procedures sometimes caused delays, impeding rapid deployment.

9. Thus, the military component of UNOSOM has faced acute growing pains, which have slowed the mission's ability to fulfil its mandate. Some troop-contributing countries, especially those having recently joined UNOSOM, were not in a position to provide the troops within scheduled time-frames. Others found it difficult to provide their soldiers with adequate weapons and equipment. In some cases, the provision of weapons and equipment from third countries had to be arranged, causing further delays.

10. These factors had a direct impact on the fulfilment of the mandate laid down by the Security Council. UNOSOM planning had assumed that, with the arrival of new troops, the mission would be in a position to deploy into the central and northern regions of Somalia by mid-July and August. Unfortunately, some of the scheduled reinforcements did not arrive in time and in some cases they arrived without the proper equipment. This delayed the capacity of UNOSOM to extend its operations throughout the country, which was essential to implement the mission's mandate. This also emboldened certain elements who seemed intent on undermining the efforts of the United Nations to bring stability, rehabilitation and political reconciliation to Somalia.

11. UNOSOM also comprises other important components with major roles in the implementation of the complex task of the mission. These include divisions dealing with humanitarian relief and rehabilitation, political affairs, justice, public affairs and administration and logistics. The work of these divisions is described in the relevant sections of the report.

## II. THE CONSOLIDATION, EXPANSION AND MAINTENANCE OF A SECURE ENVIRONMENT

12. From the start of the tasks of UNOSOM in Somalia, certain factions overtly demonstrated their hostility to the international community's efforts to assist their country and to control the anarchic conditions that had developed in the preceding years. To illustrate, two days after UNOSOM took over responsibility for security from UNITAF, the militia of Ahmed Omar Jess launched an attack on the port city of Kismayo on 6 and 7 May 1993. Over time, control of Kismayo had changed hands several times amongst the various clans in the area. In March, the militia commanded by Mohamed Said Harsi (Morgan), from the Darod Harti sub-clan, had taken over the city and the militia of Jess of the Darod Ogadeni sub-clan was ousted from the city to Goobweyne. The attack by Jess's militia in May was repulsed by the Belgian forces of UNOSOM.

13. Hostile actions have been pursued by some factions in Mogadishu, particularly since 5 June 1993 when 24 UNOSOM soldiers from Pakistan were killed. Since my report of 1 July 1993 (S/26022), pursuant to resolution 837 (1993), the investigation called for by that resolution has been concluded. Its conclusions are being studied and a summary report will be presented to the Council.

14. I have repeatedly emphasized that disarmament is indispensable for the establishment of peace and security in Somalia. This is not only mandated by the Security Council, but also recognized by virtually all Somalis, including the leaders of political factions who agreed in Addis Ababa in January and March to such disarming and urged UNOSOM to apply strong and effective sanctions against those responsible for any violation of the cease-fire agreement of January 1993. They showed awareness that humanitarian and political progress could not be achieved rapidly unless stability was assured in the country. For the most part, Somalis strongly wish to shift from the cult of violence to the rule of law.

15. Disarmament efforts are aimed primarily at the militias which had intimidated and terrorized Somali society, and their heavy weapons. Voluntary disarmament is the basic assumption underlying the disarmament programme. If certain factions refuse to disarm voluntarily, UNOSOM is left with no choice but to disarm them through compulsion. Efforts to disarm and demobilize militias have to be complemented by a programme to rehabilitate, and reintegrate the ex-militiamen into productive life in society, to prevent their becoming hardened into lawless ways of life. Funding is urgently needed to expedite rehabilitation programmes.

16. There are reliable indications that increased activity by UNOSOM forces is having an effect on the United Somali Congress/Somali National Alliance (USC/SNA) militia operations in south Mogadishu. However, there is still potential for the militia to direct attacks against UNOSOM forces. The June incidents, and their aftermath, have provided ample evidence of the overabundance of heavy, medium and light weapons in the southern part of the city. Low-intensity attacks on key facilities, such as the Mogadishu port, the Force Command headquarters, the airfield and other main support bases, may continue. In these circumstances and as mandated by Security Council resolution 837 (1993), UNOSOM will have to maintain a forceful disarmament programme in south Mogadishu as long as resistance continues. More active patrolling, weapons confiscations, and operations against USC/SNA militia depots have been undertaken, together with a public information campaign to ensure that the population understands UNOSOM actions.

17. UNOSOM intends concurrently to encourage cooperative disarmament by the many factions that are already coming forward to participate. A cooperative process is being followed in the north-east and, gradually, in the central regions. The Somali Salvation Democratic Front (SSDF) military leadership in the north-east has expressed a wish to disarm voluntarily in cooperation with UNOSOM. A UNOSOM disarmament team has been assisted in examining many of the DDSF's stocks of heavy weapons and ammunition in the region, including Galkayo. Voluntary disarmament has been agreed upon, or is being negotiated, in the north-west and the Lower Juba, respectively. Other militias are stepping

forward as well to begin discussions. It is to be hoped that such voluntary disarmament will become the norm in the whole of Somalia.

18. Over the last eight months, UNOSOM, and before that UNITAF, have removed and destroyed hundreds of tons of weapons and ammunition. During March and April alone, UNITAF had confiscated about 150 handguns; more than 750 rifles; more than 200 machine-guns and an equal number of other heavy weapons such as rocket launchers and mortars; nearly 50 armoured vehicles including tanks, armoured personnel carriers (APCs), and self-propelled guns; more than 400 artillery pieces; almost 700 other weapons and close to 79,000 items of ordnance. These figures notwithstanding, the attainment of the level of disarmament required for a lasting peace in Somalia would involve continuation of a major effort on the part of UNOSOM. In this endeavour, the cooperation of neighbouring countries in helping to enforce the arms embargo is essential.

19. The removal of mines throughout Somalia remains an imperative prerequisite for the return of refugees and the resumption of agricultural and livestock production. It is also essential to the welfare of the population, since many mines were planted in populated areas as well. Preliminary estimates indicate that there are up to a million mines to be removed and that the largest concentration of mines is in the north-west. Efforts are now concentrated on ascertaining where exactly, within the general areas identified, the mines are located, as well as the type of mines and the estimated numbers. The most efficient type of removal equipment would be defined by the topography of the particular areas. An operational demining plan is being developed. At the moment, some UNOSOM contingents are removing mines from the roads in their respective areas of responsibility. Somalis in certain areas, such as Belet Uen, have also attempted to clear some mines that interfere with their livelihood. In the north-west, a consortium of European and North American countries is financing the removal of mines until the end of 1993.

20. Thus, the overall situation in Somalia has stabilized. Outside Mogadishu, in areas where UNOSOM forces are deployed, significant gains have been made in reducing banditry and in fostering the goodwill of the majority of the local population. UNOSOM has continued providing protection for humanitarian relief and undertaking disarmament operations in those areas, and these are gradually being expanded.

## III. ASSISTANCE IN THE RE-ESTABLISHMENT OF THE SOMALI POLICE FORCE, JUDICIAL AND PENAL SYSTEMS

21. The key to establishing security and law and order in a system managed by Somalis lies in the re-establishment of the police, judicial and penal systems. Following the transition from UNITAF, UNOSOM has continued to support the Somali police force in the current UNOSOM area of operations and has endeavoured to assist in the north-east and north-west as well. UNOSOM has also developed, together with the Mogadishu legal and judicial community, mechanisms for the selection of judges and magistrates in Mogadishu, and has provided resources and assistance to the prison population in that city. It has also encouraged the development of judicial and penal systems in other areas.

22. The report annexed to the present document details UNOSOM goals and strategies for the next two years and provides a one-year (May 1993-April 1994) budget estimate for the justice programme. Current embryonic programmes are very fragile and urgently in need of support. Immediate and adequate funding for these programmes is imperative, if the responsibility for maintaining a secure environment is to be assumed by the Somalis themselves as quickly as possible.

## IV. PROMOTION AND ADVANCEMENT OF POLITICAL RECONCILIATION AND THE RE-ESTABLISHMENT OF NATIONAL AND REGIONAL INSTITUTIONS AND CIVIL ADMINISTRATION

23. Following the successful Informal Preparatory Meeting for the Conference on National Reconciliation which I convened in Addis Ababa in January 1993, the first session of the Conference was held on 15 March 1993, also in Addis Ababa. Two hundred and fifty participants from a broad cross-section of Somalia, representing political movements, community, religious and women's groups, civic and non-governmental organizations (NGOs) as well as elders and eminent persons were invited to the Conference. On 27 March 1993, the Somali political leaders signed a comprehensive agreement covering disarmament and security issues, reconstruction and rehabilitation, restoration of property and the peaceful settlement of disputes and the establishment of a transitional mechanism. The Addis Ababa agreement was adopted at the closing meeting on 28 March 1993 of the first session of the Conference on National Reconciliation.

24. The agreement provides for a transitional period of two years, effective 27 March 1993. The transitional mechanisms will consist of the following four basic organs of authority:

(a) The Transitional National Council (TNC), which will act as the repository of Somali sovereignty and serve as the prime political authority having legislative functions during the transitional period. The Transitional National Council will comprise 3 representatives from each of the 18 regions of Somalia, including 1 woman from each region, 5 additional seats for Mogadishu, and 1 nominee from each of the 15 political factions that participated at the Conference. The total membership of the Transitional National Council will be 74;

(b) Central administrative departments, which will be responsible for the re-establishment and operation of departments of civil administration and social, economic and humanitarian affairs, thus preparing for the restoration of a formal Government;

(c) Regional councils, to be established in all 18 existing regions of Somalia, comprising 3 representatives from each district council in the region;

(d) District councils, to be established in the present districts in every region. Members will be appointed through election or through consensus-based selection in accordance with Somali traditions.

25. The agreement also provides for the appointment by the Transitional National Council of a Transitional Drafting Committee, to draft a transitional

charter following the basic principles of the Universal Declaration of Human Rights and Somali traditional ethics.

26. In the agreement, the Somali parties invited the Secretary-General and his Special Representative to extend all necessary assistance to the people of Somalia for its implementation. In a statement issued on 29 March 1993, the Secretary-General urged the Somali leaders to proceed without delay to work out the practical arrangements for the implementation of the agreement. On 30 March 1993, the leaders decided on a programme of implementation and also agreed to appoint the Transitional Charter Drafting Committee immediately.

## Implementation of the Addis Ababa agreement

### 1. Deliberations of the Addis Ababa committees

27. The Transitional Charter Drafting Committee met in Mogadishu from 15 to 20 April 1993. The initial Committee was composed only of the representatives of the 15 political factions. This was not in conformity with Security Council resolution 814 (1993) which, inter alia, requested the Secretary-General to encourage broad participation by all sectors of Somali society to promote the process of political settlement and emphasized the need for broad-based consultations and deliberations to achieve agreement on the setting up of transitional government institutions and for consensus on basic principles and steps leading to the establishment of representative democratic institutions.

28. It was therefore a major objective of UNOSOM to ensure that all Somalis, including political, faction and community leaders, women, professionals, intellectuals, elders and other social groups were suitably represented in the process of preparing the transitional charter. In consultation with representatives of the political factions, my Special Representative convened a meeting of a Subcommittee of the Transitional Charter Drafting Committee with broad-based participation, including equal numbers of political and non-political participants. The Subcommittee commenced it work on 26 April 1993 and focused on elaborating the following six chapters for the draft transitional charter, which had been identified during the initial 15 to 20 April 1993 meeting: general principles; functions and powers of the Transitional National Council; central administrative departments; regional administration; judiciary; and transitional rules. The Subcommittee completed its work on 2 May 1993.

29. On 26 May 1993, my Special Representative convened a meeting of an expanded Transitional Charter Drafting Committee, comprising 30 representatives of political factions and an equal number of non-political participants. The Committee worked on refining the working paper produced by the Subcommittee. It completed its work on 4 June 1993 and set up a small working group to finalize the text of the Transitional Charter. The Group however had to suspend its work owing to the outbreak of violence in Mogadishu on 5 June 1993.

30. The Addis Ababa Conference also called for the creation of a committee on the peaceful settlement of disputes in order that claims for the restoration of private and public properties that were illegally confiscated, robbed, stolen, seized, embezzled or taken by other fraudulent means as well as all other disputes among Somalis should be settled in a peaceful manner.

31. This Committee held its first session in Addis Ababa from 19 to 21 March 1993. Its second session was convened by my Special Representative in Mogadishu from 15 to 21 April 1993, with the participation of all signatories to the Addis Ababa agreement. As in the case of the Transitional Charter Drafting Committee, my Special Representative, in consultation with the Somalis, expanded the composition of this Committee to ensure broad-based representation of all sections of the Somali society.

32. Another session of the Committee was convened from 25 May to 4 June in order to refine further the guidelines relating to such issues as compensation and procedures for the settlement of property claims.

33. The Cease-fire and Disarmament Committee established in Addis Ababa for the purpose of implementing the cease-fire and disarmament agreement signed by the leaders of the political factions on 8 January held several meetings in Mogadishu during the period 7 March to 25 May 1993 and undertook investigations into incidents of cease-fire violations. During its meetings, the Committee continued the process of developing procedures and guidelines for disarmament and for handling cease-fire violations. During its session of 30 and 31 March 1993, the Committee reached agreement on a set of penalties to be applied against factions violating the cease-fire. The agreed measures include condemnation of the offending party, withdrawal of militias that may occupy territory in violation of the cease-fire, withholding of any aid that the offending faction might be receiving, disarmament of the offending militia and compensation to the victims. During the same session the Committee completed the process of delineating regions that should be disarmed simultaneously in implementation of the Addis Ababa agreement. At a further session, held on 27 and 28 April 1993, the Committee agreed that the disarmament process should also cover small weapons in the hands of the civilian population.

34. The Committee investigated the cease-fire violations during the incidents involving clashes between supporters of the Somali Patriotic Movement/Somali National Alliance (SPM/SNA) and Somali Patriotic Movement (SPM) in Kismayo on 16 March, 3 April and 6 and 7 May 1993. The attacks on Kismayo of 6 and 7 May were investigated by a special committee previously established by the Cease-fire Committee, to which it reported its findings.

### 2. Establishment of district councils

35. It was agreed in Addis Ababa that the 92 districts of Somalia would be those that were functioning as at 31 December 1990. The Transitional Charter Drafting Committee subsequently decided that each district council would have 21 members, selected in accordance with Somali tradition. Any resident of a district over the age of 25 would be eligible for selection. Each district council would select three of its members to serve on the regional council and each regional council would in turn select three citizens of the region to serve on the Transitional National Council.

36. UNOSOM is assisting the Somalis to implement this part of the agreement. In May, UNOSOM began consultations with the Somali people on the establishment of district councils in the north-east region of Somalia. The UNOSOM Deputy Special Representative, Ambassador Lansana Kouyate, led a delegation to Bossasso

for discussions with local leaders. Further consultations were conducted by a UNOSOM team in the districts of the Bari and Nugal.

37. The process continued in early June with a UNOSOM political team, led by the Director of Political Affairs, visiting the districts of the Niran region and consulting with elders, politicians, religious groups, women's organizations and intellectuals.

38. The consultations were interrupted briefly by the tragic events of June. However, in view of the importance of sustaining the Addis Ababa process, consultations were resumed on 27 June with UNOSOM visits to districts of the Gedo, Bakool, Lower Shebelle, Middle Shebelle and Bay regions.

39. The people consulted in these districts have expressed overwhelming support for the establishment of these institutions, through which the people of Somalia will assert their sovereignty. On 3 July 1993, Buur-Hakaba in the Bay region became the first to celebrate formally the establishment of a district council. On 4 and 5 July 1993, Baidoa, also in the Bay region, and Hoddur in the Bakool region became the second and third to establish their district councils. By the end of July, a total of 21 district councils had been formed, including 2 in the north-east. The full list of district councils established as of 31 July 1993 is as follows:

| | | |
|---|---|---|
| Bakool region: | El Barde | Tieglo |
| | Hoddur | Wajid |
| | Rabdhurre | |
| Bay region: | Baidoa | Buur-Hakaba |
| | Bardale | Qansah Dere |
| Gedo region: | Belet Hawa | Dolo |
| Hiran region: | Bulo Burti | Mahas |
| | Jalalasi | |
| Lower Shebelle region: | Merca | Afgoye |
| Middle Shebelle region: | Balad | Aden Yabel |
| | Adale | |
| Bari region: | Gardo | Bender Beyla |

With such strong support from the people, it is anticipated that in the months ahead, many other district councils will be established around the country.

### 3. National reconciliation

40. In order to reinforce the process of national reconciliation which the Somali political leaders set in motion in Addis Ababa, UNOSOM has undertaken to help to resolve conflicts at the regional level and to assist in resolving intercommunal disputes. A regional peace conference was convened in Kismayo, one of the most conflict-ridden areas of the country. The conference brought together 152 elders from throughout the Juba region to discuss issues crucial to the restoration of normalcy in the region, such as the reopening of all areas of the region for the free movement of people and commercial traffic, reunification of communities, settlement of property claims, the cessation of hostilities and disarmament. The conference made good progress in its work, and the cooperation of the elders and religious leaders from communities hitherto in conflict

brought relative stability to Kismayo, a city that had seen fighting as recently as May. On 6 August 1993 Conference representatives signed the Jubaland peace agreement in which the signatories committed themselves, on behalf of their clans, to end all hostilities among the more than 20 clans that inhabit Jubaland.

41. During the month of May 1993, UNOSOM also attempted to assist the Somalis in organizing a regional conference on Galkayo and the central regions, another area where tension had persisted among the various militias despite the signing of the Addis Ababa agreement. The leaders of the factions most directly involved - Somali National Alliance (SNA), Somali National Front (SNF), Somali Salvation Democratic Front (SSDF) and Somali National Democratic Union (SNDU) - were invited to Mogadishu. The conference however could not take place under the auspices of UNOSOM because of the position of Mohammed Farah Aidid, who insisted on assuming responsibility for the security and the entire organization of the conference. Consequently, the meeting was limited and excluded some of the key parties to the conflict who would not accept his terms. However, some of the agreements reached between SNA, SNDU and a faction of SSDF that took part in the limited meeting were positive and should contribute to the re-enforcement of the objectives of the Addis Ababa agreement, particularly disarmament and peaceful settlement of intercommunal disputes.

42. In the north-west, UNOSOM provided some logistical support for the regional reconciliation conference held in Boroma from March to May 1993. This conference settled a number of regional disputes and reached decisions pertaining to disarmament and the re-establishment of police forces. UNOSOM is assisting in the implementation of the decisions of the conference, consistent with the relevant Security Council resolutions on Somalia.

## V. THE PROVISION OF HUMANITARIAN ASSISTANCE AND ECONOMIC REHABILITATION

43. The Third Coordination Meeting on Humanitarian Assistance for Somalia was held from 11 to 13 March 1993 in Addis Ababa. The meeting was attended by representatives of Governments providing humanitarian assistance to Somalia, regional organizations, United Nations agencies and intergovernmental and non-governmental organizations. One of the highlights of the meeting was the active participation of 190 Somali political leaders, community elders and representatives of women's organizations and indigenous NGOs. The Somali participants were the first to underline the importance of security and peace for the effective implementation of relief and rehabilitation programmes.

44. The 1993 relief and rehabilitation programme, which was launched at the March meeting, was endorsed as a valid and useful framework for activities for the remainder of the year. The programme called for US$ 160 million and, as of 27 July 1993, $16 million had been pledged. At the same time, it was recognized that flexibility would have to be maintained, taking into account the realities of the situation in Somalia. There was a consensus that national capacity-building should be given urgent attention. Unless local institutions, including police, judiciary and local administrations, were established, rehabilitation efforts would not be very effective.

45. With available resources, United Nations agencies and NGOs have made considerable efforts to implement relief and rehabilitation programmes throughout Somalia. A number of indicators would suffice to show the broad picture: starvation has largely been eradicated; children who only a few months ago were dying of preventable diseases have now been protected through vastly improved nutrition and massive immunization programmes; schools shut down for three or four years, or destroyed, are steadily reopening; plans to open vocational and teacher training schools are well under way in some parts of the country; the der harvest was good and, thanks to the large amount of seeds and tools distributed, the prospects for the coming harvest are said to be excellent; livestock export, the main source of foreign exchange, has been supported and facilitated through extensive inoculation programmes and the provision of veterinary services; and the number of commercial ships arriving at Somali ports has steadily increased. Unless a lasting peace is established, however, these encouraging signs of recovery of economic and commercial activity could quickly be reversed.

46. Projects designed to generate employment have a particularly high significance in the range of rehabilitation programmes. Thousands of young Somalis continue to be engaged in armed banditry and need to be given an opportunity to be involved in rehabilitation and reconstruction schemes as the process of disarmament progresses. High priority must be accorded to funding projects that will generate jobs, which in turn will make a concrete contribution to a more secure environment.

47. As I mentioned in my report to the Security Council on the implementation of Security Council resolution 837 (1993) (S/26022), the attacks on UNOSOM forces on 5 June and subsequent events have obliged many of the international relief workers to relocate to Nairobi. As a result of insecurity in south Mogadishu, many humanitarian programmes had come to a temporary standstill. Understandably, humanitarian agencies were concerned about the immediate and longer-term implications of the disruption in the delivery of humanitarian assistance. In spite of the difficult circumstances, a number of agencies maintained their operations to ensure that urgently needed relief supplies reached as many people as possible.

48. While the situation remains tense in Mogadishu South, it has been possible gradually to increase the coverage of humanitarian assistance with protection provided by UNOSOM forces. Humanitarian programmes in most other parts of Somalia were not disrupted with the exception of areas dependent on supplies dispatched from Mogadishu. Staff attached to the Humanitarian Division of UNOSOM are now located in all the regions of Somalia, including the north-west, and are working together with Somalis and international relief workers in expanding rehabilitation schemes.

49. Informal consultations between the United Nations, Governments providing assistance to Somalia and NGOs have been held twice so far in Nairobi, on 22 June and 27 July. There is a clear commitment to work together to meet the immediate as well as the longer-term requirements. In the same way that efforts have been made to involve Somalis in the preparation of the 1993 Relief and Rehabilitation Programme, the challenge now is to ensure that they assume an active role in the longer-term recovery plan and effort.

50. In order to overcome continued dependence on relief assistance, the emergence of indigenous institutional structures at the community, district and regional levels is of critical importance. While the shift from relief to rehabilitation gains momentum, it is essential that adequate resources are made available to support activities that are responsive to the evolving political and security environments. To date less than 15 per cent of the requirements of the 1993 Relief and Rehabilitation Programme has been made available. Unless sufficient funds are provided for rehabilitation programmes, it will be difficult to achieve long-lasting peace and security. The following five areas require attention and urgent action to the end of 1993 in order to set the stage for longer-term development on a sustainable basis:

(a) Continuing emergency relief operations. Throughout most regions of Somalia, in both urban and rural environments, despite the successful efforts of the Somalis and the international community, there will continue to exist pockets of immense suffering and deprivation. The identification of these remaining areas, the quantification of affected persons and an assessment of their needs is an urgent and essential task. This will lead to a refinement of those strategies that will improve their condition and prepare them for a return to productive endeavour;

(b) Resettlement. An estimated 1.3 million Somalis are now located away from their homes either as internally displaced persons or as refugees in neighbouring countries. Whether they remain in their present environment or return home, the economic, political and social implications are enormous. Planning for the future is contained in UNOSOM's resettlement policy which is currently being implemented in several regions, albeit with minimum resources;

(c) Reinvigoration of the productive sector, in particular agriculture, livestock and fisheries. The agriculture, livestock and fisheries sector has traditionally made the greatest contribution to Somalia's gross national product. Agriculture has been responsible for 65 per cent of employment and 70 per cent of its foreign exchange earnings. The challenge is to target support for the Somali efforts to return large numbers of their people to productive endeavour by removing constraints to expansion and growth;

(d) Revitalization of the social services. Somalis, in all regions, with extraordinary support from NGOs, United Nations organizations and UNOSOM, have made critical contributions to the re-establishment and maintenance of the education and health systems. The rebuilding of schools and health centres has proceeded steadily. These efforts have been possible only through volunteer contributions of Somali teachers, health workers and community leaders. The stage is now set for external contributions of low-cost high-value materials and supplies to enhance these volunteer efforts to improve the quality of Somali life;

(e) Resuscitation of commerce and trade. With minimal encouragement from external sources, Somalia's formal and informal private sector in all regions long ago began the task of breathing life into commercial and trading activities. Street vendors, farmers, businessmen and traders demand services from ports and airports in an effort to stimulate business and expand the base for employment. Somali and foreign investors have developed plans to expand business and provide a wide range of consumer services to their communities.

These services include international transportation and telecommunications, petroleum distribution, banking and finance.

51. While efforts to implement the above priority programmes continue, consultations have been initiated with the World Bank on planning for long-term reconstruction and recovery. Two consultations with bilateral and multilateral donors have already been held and a third meeting is expected to take place on 21 October 1993 in Paris. UNOSOM intends increasingly to involve emerging Somali organizations in this process.

## VI. PUBLIC INFORMATION ACTIVITIES IN SUPPORT OF UNOSOM ACTIVITIES

52. In accordance with paragraph 4 (f) of Security Council resolution 814 (1993), UNOSOM has developed appropriate public information programmes in support of United Nations activities in Somalia.

53. While international media attention has been more focused on UNOSOM's military and security-related actions in Mogadishu, the United Nations continues to implement a wide range of activities throughout the country to promote Somalia's political reconciliation, rehabilitation and reconstruction. Fostering greater awareness of these activities and of UNOSOM's broad mandate among the international media and the Somali people has been the primary objective of the public information programme, but without great success.

54. The public information activities of UNOSOM are coordinated closely with United Nations agencies and NGOs. Information materials are regularly prepared and distributed to international and Somali media at daily news briefings held at UNOSOM headquarters. Regrettably, these efforts have had little effect on the media.

### A. Radio programming

55. The high rate of illiteracy in Somalia and its scattered population, in conjunction with its lack of infrastructure and telecommunications, has made radio programming an essential component of UNOSOM's public information campaign. Radio Maanta broadcasts a 45-minute programme 7 times a day. Broadcasts consist of information on UNOSOM activities, statements issued by my Special Representative and the Force Commander, features highlighting progress made in promoting Somalia's political reconciliation and economic recovery, recitations from the Koran and traditional Somali music.

56. Radio Maanta broadcasts on short-wave, reaching Mogadishu and outlying areas. The programme is also broadcast once a day over the Italian contingent's FM station in Mogadishu. However, Radio Maanta is not received clearly in many parts of the country because of the limited capacity of its present transmitter and aerial.

57. Countering anti-UNOSOM propaganda has been an important task of its information programme. UNOSOM's disarmament operation of 12 June effectively neutralized Radio Mogadishu, which had been under the control of USC/SNA and was

a source of increasingly hostile propaganda against UNOSOM. Since that period, however, clandestine radio broadcasts have sought to disrupt Radio Maanta and other Somali broadcasts, by broadcasting at the same time and on the same frequency.

58. To extend Radio Maanta's outreach to the entire country and to prevent its being jammed by sources of hostile propaganda, additional transmitters are required in other parts of Somalia. A preliminary technical study suggests that the use of medium-wave transmitters should alleviate some of the transmission problems that Radio Maanta currently faces. The strengthening of this prime means of communication is being proposed as an urgent addition to the budget.

59. Until additional transmitters can be established, UNOSOM is examining the possibility of transmitting radio programming over the external short-wave radio services of neighbouring countries. Consultations on the matter are currently under way with authorities in Djibouti, Ethiopia and Kenya.

## B. Print media

60. UNOSOM's Somali-language newspaper, Maanta, is published 6 days a week in Mogadishu and distributed to 11 other cities in Somalia. Its circulation, however, has been limited to 25,000 copies.

61. UNOSOM currently relies on the military to transport Maanta newspaper to other parts of Somalia. However, military aircraft have been unable to make daily deliveries of the paper. In Mogadishu, distribution has been hampered by the heinous murder on 7 July of six Somalis employed to deliver the newspaper. Other Somali staff of both Maanta and Radio Maanta have expressed concern for their personal safety. UNOSOM is at present considering an offer from a Somali contractor to undertake Maanta's distribution in Mogadishu. The provision of additional resources would enable UNOSOM to transmit the newspaper and other information materials, such as press releases, electronically to various cities in the country for local printing and dissemination.

62. UNOSOM has also recently introduced an English-language version of Maanta, for dissemination to United Nations agencies, NGOs and others in the international community.

## C. Media relations

63. The peace-enforcement mandate of UNOSOM and the large number of Member States contributing military personnel have heightened the attention of the international media. To serve their needs for information, as well as that of the local Somali press, UNOSOM continues to extend its media outreach through press briefings, the issuance of media releases and fact sheets, answering media inquiries and coordinating media interviews of senior UNOSOM officials.

64. Regular daily briefings by the UNOSOM civilian and military spokesmen ensure an outflow of information on political, military and humanitarian aspects of the work of UNOSOM. Summaries of these briefings are prepared daily and

transmitted to United Nations Headquarters in New York and to the United Nations Information Centre in Nairobi for redissemination.

65. UNOSOM has organized visits to different areas in Somalia for journalists and these have enhanced media coverage of UNOSOM humanitarian activities, such as flood relief or the distribution of food rations. Journalists have also accompanied UNOSOM officials engaged in consultations with community leaders throughout Somalia on the establishment of district and regional councils.

### D. Public outreach

66. In addition to Maanta newspaper and radio programming, UNOSOM has sought to reach out to the Somali population through its presence in the field. Regular updates on political, humanitarian and security-related aspects of UNOSOM's activities are translated and provided in both English and Somali to each of the UNOSOM zone offices for redissemination to local communities.

67. Leaflet drops and posters issued by UNOSOM military officials have also served to highlight UNOSOM objectives and activities.

68. Given the lack of telecommunications in Somalia, personal contact between UNOSOM officials and the Somali public has been an effective means of conveying UNOSOM's message. My Special Representative, his Deputy and other UNOSOM officials, especially those in the zone and sub-zone offices, have held numerous meetings with Somali community leaders, elders, women's and youth groups, representatives of businesses and political movements and local NGOs throughout Somalia to promote public understanding and support of UNOSOM's mandate and objectives. This programme will improve as zone and sub-zone offices become properly manned.

## VII. OBSERVATIONS

69. The mandate established by Security Council resolution 814 (1993) reflected the deep complexities in the situation then prevailing in Somalia, which the United Nations undertook to resolve. It was evident that UNOSOM would need to receive full cooperation from the people of Somalia, especially the faction leaders, if it was to accomplish its tasks smoothly. At the same time, the international community had recognized that the complexities of the situation could lead to major difficulties in the tasks set for UNOSOM. It was precisely for this reason that the Security Council decided to establish UNOSOM II under Chapter VII of the Charter of the United Nations.

70. Regrettably, the short-sighted attitudes of leaders of a few factions aggravated the difficult situation. Despite their deliberate attempts to obstruct UNOSOM from performing the tasks assigned by the Security Council, the overall situation in Somalia has undergone a major transformation. The course had already been determined by the highly effective intervention by UNITAF. Following the establishment of UNOSOM II, conditions in most parts of the country have stabilized. Humanitarian assistance is reaching its destinations, protected from attacks and looting by armed bandits and militia. People are going about their normal routines. Schools are reopening. Land is being

tilled, crops are being planted and livestock even being exported. Local councils of clan elders are meeting and cooperating with the United Nations efforts to help Somalia to re-establish normal conditions. This contrasts starkly with the situation at the beginning of 1993, when the Somali people still were suffering from the effects of a brutal civil war fuelled by the ambitions and enmities of warlords that had claimed hundreds of thousands of innocent Somali lives.

71. A major task that fell to UNOSOM after it took over responsibility from UNITAF was the disarmament of the armed groups who had terrorized the people and made extortion from humanitarian assistance agencies the source of their considerable income. At the Organization of African Unity (OAU) Summit in Cairo last June, I had the opportunity to exchange views with several African leaders on the situation in and relating to Somalia. There was strong support for the United Nations effort in Somalia, particularly for the need to take appropriate measures to ensure the full implementation of the disarmament provisions of the Addis Ababa agreement. These views were expressed in Cairo both in the resolution adopted by the OAU Council of Ministers and the statement issued by the Horn of Africa Standing Committee on 23 June 1993. In my discussions with the Secretaries-General of the League of Arab States and the Organization of the Islamic Conference, strong support was also expressed for the United Nations role in Somalia.

72. The priority that UNOSOM gave to disarmament generated the hostility of a few clan leaders, fearful of losing their power, towards UNOSOM. The ambushing of UNOSOM personnel by such elements on 5 June and on subsequent occasions left UNOSOM no choice but to take forceful action to effect the disarming required under the Addis Ababa agreement. The exploitation of such actions to provoke hostilities towards UNOSOM has ill-served the people of Somalia and has led to loss of life for which the responsibility rests squarely with the faction leaders, in particular Mohammed Farah Aidid.

73. I am conscious of the feeling in some quarters that UNOSOM is deviating from its primary task of ensuring the safe distribution of humanitarian assistance, rehabilitation and reconstruction of Somalia, and is concentrating disproportionate efforts and resources in military operations. I know that some of this criticism is well motivated by good intentions. However, the international community has known from the beginning that effective disarmament of all the factions and warlords is conditio sine qua non for other aspects of UNOSOM's mandate, be they political, civil, humanitarian, rehabilitation or reconstruction. Unless disarmament is fully implemented, it would not be reasonable to expect UNOSOM to fulfil other aspects of its mandate. The fact that UNOSOM has been able to achieve the progress that it has in different parts of the country, despite the armed hostility that it faces almost daily from Mohammed Farah Aidid and his militia, is testimony to the Somali people's as well as UNOSOM's resolve not to be deterred by such obstacles as well as to the desire of the Somali people for peace and normalcy. But the fact remains that the country will not enjoy complete stability unless and until the criminal elements have been apprehended and brought to justice as demanded by the Security Council in its resolution 837 (1993). I am convinced that the Security Council fully endorses this approach. It is important to realize the interface between the political, military and humanitarian components of the United Nations presence in Somalia.

74. In view of these circumstances, I have reached the conclusion that UNOSOM requires the assignment of an additional brigade in order to extend its activities, pursue the programme of disarmament in the central and northern regions of the country, restore security through disarmament in Mogadishu and adequately tackle the refugee problem. This additional troop strength should enable the military component to be more effective, more rapid and move widely. Such broader effectiveness should in turn enable UNOSOM to fulfil its mandate within a shorter period of time. This step would result in a temporary increase in UNOSOM's troop strength, and I would endeavour to meet the additional costs from within the appropriation levels already approved.

75. The restoration of security and stability to Somalia requires the re-establishment of the Somali police force, the judicial system and the penal system, in order to enable Somalis quickly to assume full responsibility for law and order in their country. The initial steps must be taken within the framework of the transitional machinery envisaged in the Addis Ababa agreement, beginning with the district and regional levels. Ultimately, this will facilitate the progressive disengagement of the United Nations from its present role in Somalia. Furthermore, once Somalia has surmounted the dangers posed by the wide prevalence of heavy weapons, a well-organized and effective police force would be able to limit the spread of light weapons. It is therefore imperative and urgent that resources in funds and training assistance, as well as in efficacious transitory arrangements, be made available by donor Governments.

76. A high priority for UNOSOM is its assistance to the political reconciliation process. District councils have been formed, and efforts to sustain this momentum will continue in order to form the regional councils and the Transitional National Council as quickly as possible. UNOSOM has also sponsored the reconciliation meetings of clan elders in various regions in Somalia, where the effects are apparent in the restoration of stable and secure conditions, in stark contrast with the suffering from inter-clan conflict. It is my hope that these successes will encourage peaceful reconciliation in other parts of the country.

77. Looking beyond the situation in Somalia, the focus of this report, it is necessary to give attention to the serious problems encountered in establishing UNOSOM, which are symptomatic of the inadequacies of the present structure and procedure for coping with the heavy demands of the new generation of United Nations peace-keeping operations. Especially in UNOSOM, but also in the establishment of other large missions over the last two years, the delays and complications arising from the application by the Secretariat of established administrative, financial and logistical procedures, made their obsolescence obvious. As members of the Council are aware, measures already are under way to improve the procedures and practices in the Secretariat, and I am grateful for the support being received from various Governments.

78. Another serious and sensitive problem that arose in UNOSOM, and of which members of the Council are aware, is the one related to command and control over United Nations peace and security operations. The principle and practice of unity of command that was developed over decades of peace-keeping operations have come under strain in recent operations whose mandates fall, at times partially, under Chapter VII. Owing perhaps, to the particularly complex and

dangerous conditions under which UNOSOM found itself operating, the actions of some contingent commanders had the effect of weakening the integrity of UNOSOM's military command structure. Following clarification at both the political and the operational levels, these difficulties were settled. In the case of the Italian contingent, which received undue media attention, I am glad to report that there is complete coordination between the United Nations and the Italian authorities and the matter has been resolved. The Italian contingent of 2,540 troops in Somalia is largely located in the Jalalasi area, with several units in northern Mogadishu. While there has been constant and complete coordination in the Jalalasi area, for the Mogadishu area a diversity of views has arisen about some modalities of the implementation of the United Nations mandate. Consequently, Italy has asked that its Mogadishu units be redeployed elsewhere in Somalia, and this request has been accepted through an exchange of letters between the Foreign Minister of Italy and myself. Talks are already under way to define where these units will be redeployed.

79. Nevertheless, this issue deserves attention in order to avoid future complications that could weaken the effectiveness of United Nations missions in the interest of international peace and security. When the Council authorizes an operation under Chapter VII of the Charter, clearly there will be an increased risk of casualties among military personnel under United Nations command. It is entirely understandable that Governments will be highly sensitive to this risk and that they will wish to ensure the highest possible security for their personnel. Yet, I am certain that all States Members of the United Nations will agree that such risks can be minimized only if there is effective command and control on the ground by the Force Commander. This also ensures that the Commander is able to make the maximum use of his resources to achieve the objectives in the mandate received from the Council. Therefore it is clear that it is in the interest of the United Nations that the integrity of the command and control of United Nations military operations be respected in all peace and security operations, whether under Chapter VI or Chapter VII. Of course, it is essential that troop-contributing countries be fully consulted and be kept fully informed, at both the political and the operational levels. I am ensuring that this be done on a regular basis and I am confident that all concerned will cooperate in the common interest.

80. In concluding the present report, I wish to express my warm appreciation to my Special Representative, Admiral Howe, to the Force Commander, General Bir, and to all the men and women, soldiers and civilians, who have made a superb contribution to the furtherance of the United Nations mandate in Somalia under very difficult conditions. My appreciation also extends to the International Committee of the Red Cross, NGOs and the many Governments that have assisted and strengthened UNOSOM in the fulfilment of its historic tasks. Above all, I wish to pay profound tribute to the soldiers of UNOSOM, the Somalis working for UNOSOM, relief workers as well as the journalists who lost their lives in endeavouring to help Somalia, under United Nations auspices, in its hour of need.

Annex I

The re-establishment of security in Somalia:
the police, judicial and penal systems

1. The Somali political leaders agreed during the first session of the Conference on National Reconciliation in Somalia, held at Addis Ababa in March 1993, inter alia, on the "need to establish an impartial national and regional Somali police force in all regions of the country on an urgent basis through the reinstatement of the former Somali Police Force and recruitment and training of young Somalis from all regions", and requested "the assistance of the international community" in that regard.

2. The Addis Ababa agreement also provided for the Transitional National Council, as the repository of Somali sovereignty, to establish an "independent judiciary".

3. In my previous reports (S/24992, para. 30; S/25168, para. 23 and S/25354, para. 46), I stated that the establishment of an effective Somali police force would be a crucial step to create a secure environment in Somalia.

4. The Security Council, in its resolution 814 (1993) of 26 March 1993, requested the "Secretary-General, through his Special Representative, and with assistance, as appropriate, from all relevant United Nations entities, offices and specialized agencies, to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation, in accordance with the recommendations contained in his report of 3 March 1993". This included, assistance in the "re-establishment of Somali police, as appropriate, at the local, regional or national level, to assist in the restoration and maintenance of peace, stability and law and order, including in the investigation and facilitating the prosecution of serious violations of international humanitarian law" (see resolution 814 (1993), para. 4).

5. In my report of 3 March 1993 (S/25354, para. 50), I indicated that I would bring to the attention of the Council my recommendations based on a more detailed assessment of the re-establishment of the Somali police force. The present report contains those recommendations.

## I. THE PRESENT SECURITY SITUATION

6. Despite recent divisions in the Somali Salvation Democratic Front (SSDF), which exerts administrative control over the region, the north-east seems to be secure and peaceful. There is practically no banditry problem. The traditional concern of the region has been possible attack by armed elements from across regional borders to the south and west. However, ongoing political reconciliation and disarmament programmes should reduce this threat. SSDF controls the security situation in the region. At present there are approximately 700 policemen in the region, about 70 per cent of whom were members of the former Somali National Police Force.

7. The Bay region also has a relatively satisfactory security situation except for banditry along the Hoddur-Baidoa road. The police patrol Baidoa, the capital of the region, without arms.

8. In the Gedo region, the security situation is relatively satisfactory, although isolated acts of banditry still occur. Police in Bardera conduct joint patrols with UNOSOM military forces in the city, but there is need for a rural guard to provide protection in outlying areas. For example, Somali refugees returning from Kenya recently were attacked by bandits about 50 kilometres from Bardera. The 2,000-strong police force which existed before the civil war was needed partly because of the long border with Kenya and Ethiopia.

9. The aftermath of the 5 June 1993 attack on UNOSOM military forces has caused serious security problems in Mogadishu. Security has deteriorated in the city owing to the presence of large numbers of weapons and large numbers of clan fighters still residing in the city. Three thousand former members of the Somali police have been re-formed into a new police force. In general, police and weapons are confined to the stations at night, unless joint operations are planned with UNOSOM. Police have continued their duties during the recent security incidents involving UNOSOM military forces and participate with these forces in selected missions.

10. The crime problem in Afgoi is exacerbated by looters along the Merca-Afgoi road and others leaving Mogadishu who pass through the area. Rural guards or a mobile quick reaction force may be needed to assert control in this area.

11. After the successful conclusion of the four-month Borama conference, political conciliation among clans and a broad-based administration determined to disarm and demobilize the clan-based militias have emerged in the north-west region. Disarming and demobilization are expected to improve security in the region as the security problem in the north-west has stemmed primarily from clan-based militias.

12. In Kismayo, armed factions have conducted military raids into the city and control of the city has changed twice in the last four months from one faction to another. Likewise, the police have been reorganized twice in the city. UNOSOM political and military elements are working with elders of all clans/factions to defuse tension in the Kismayo region.

13. It is clear that, while the security situation in some parts of Somalia is still less than satisfactory (particularly in Mogadishu), security has improved in the north-east, north-west, Bay and Gedo regions. A critical element in creating the security conditions necessary for the re-establishment of the Somali police force is the disarmament of the entire country, a task which is part of the UNOSOM mandate.

14. The restoration of law and order, peace and stability in Somalia requires not only the strengthening of the police forces but also a legal system that provides the basis and framework for police activities. This should include the basic laws that the police will have to enforce; a judicial system to adjudicate the cases of those arrested by the police and a penal system that can detain and punish offenders. Additionally, as a result of the civil conflict in Somalia over the last five years, investigation and facilitating the prosecution of

serious violations of international humanitarian law will require a special approach, perhaps using international investigative staff and justices.

## II. PROPOSED UNOSOM STRATEGY

### A. Police

#### 1. Objectives

15. The attainment of the overall objective of UNOSOM with regard to the establishment of a national neutral police force must be approached through a framework comprising three tiers - national, regional and district - with police forces being answerable to appropriate local authorities in each tier. In the light of the fact that at the moment only at the district level have local authorities been established, i.e. district councils, implementation of the overall objective must, therefore, begin at that level and expand to the regional and national levels, involving ultimately the Transitional National Council when established. UNOSOM's role in this endeavour must remain that of a facilitator.

16. Expansion of the 5,000-person police force composed of former policemen into a force of 10,000 can be accomplished by bringing into the UNOSOM programme approximately 1,500 police operating in the north-east and approximately 1,500 police operating in the north-west. The police in these regions would need immediate on-station, in-service police training. Additionally, 2,000 persons would be recruited country-wide and undergo basic training in groups of 400. If training begins in October 1993, 5 cycles of 400 recruits in each cycle will produce 2,000 new policemen by December 1994.

17. The number of police required to perform law enforcement and security duties is a matter of continuing assessment. To develop an 18,000-person-strong police force (the number of police prior to the civil war) that can assume law enforcement and security duties by March 1995 (the currently projected time for completing the UNOSOM mandate), existing police units must be expanded and police forces developed in the smaller population centres throughout the country. While former policemen (approximately 3,000) will provide the foundation for this expansion, the police recruit training process also can help to reintegrate carefully selected ex-militia into Somali society by providing them with professional employment and discipline. The ex-militia would take a loyalty oath to Somalia and would be carefully observed during their training to ensure that factional loyalty is eliminated. An estimated 4,000 to 5,000 more recruits could be trained as policemen by December 1994 if two additional training academies are made available through international donor programmes.

18. A national police structure could be in place if the Transitional National Council so decides. Pending the establishment of the national structure, the police will be organized and operationally controlled on a regional and district basis. The governmental authority could request that international police advisers continue their service, if needed.

## 2. Strategy

19. Until a Somali governmental structure is established, the police force(s) will be under the operational control of the regional and district councils. An international police component of UNOSOM will provide assistance to these entities in the discharge of their responsibilities and will provide advice and training to the police forces.

20. The regional police commanders will be assisted by international experts who will act as police advisers. Regional political and operational considerations will determine if UNOSOM will appoint a national police chief for the interim report.

21. During this period, close coordination and cooperation between the UNOSOM military and Somali police is critical in ensuring comprehensive and coordinated security policies and operations. However, upon the arrival of the full component of international police advisers, UNOSOM military forces will end their control of police activities. None the less, close policy and operational coordination will be maintained between the police advisers, UNOSOM military and the Somali police.

22. A police training academy/institute will be created and organized with the assistance of international police advisers. The police institute will begin its first basic police courses in October 1993. Refresher courses for serving police officers will be carried out throughout the country by mobile training teams. The institute will train 400 recruits per cycle in a three-month basic police training programme, thereby meeting the recruit training objective of 2,000 which will increase the police force to 10,000 by December 1994. Recruitment will be proportional among clans on a regional basis and the clan balance will be maintained throughout all phases of recruitment.

23. Additionally, the institute will maintain a police personnel evaluation centre and a police documentation centre, which will be available to the entire police force. Training programmes will be provided to basic, intermediate and supervisory police personnel. The institute also will provide instruction for magistrates and custodial corps personnel.

24. In providing assistance, UNOSOM will build on the Auxiliary Security Force initiated by the Unified Task Force (UNITAF) as the foundation of the UNOSOM-supervised Somali police force. UNOSOM will, however, conduct a review of members of the Auxiliary Security Force to determine if they meet the following requirements:

(a) Two years' prior experience before 26 January 1991 with the former Somali Police Force;

(b) No crimes committed against the Somali people;

(c) No physical disability, with rare exceptions.

Those who do not meet the requirements will not be retained in the police force. Special care will be taken to retain the most competent. Where militia have been the foundation of existing police forces, UNOSOM will consider supporting

those forces with salaries and equipment, but will require that militia undergo, in a timely fashion, basic police and human rights training. Police officers must renounce loyalty to political and paramilitary forces and take an oath to the objectives and goals of the new Somali National Police Force and to serve the Somali people and nation.

25. To increase the strength of the police to 10,000 throughout Somalia by December 1994, UNOSOM will start a new recruitment programme, as soon as the training facilities and the trainers are available, using as a minimum the following criteria. Recruits must:

(a) Be between 18 and 25 years of age;

(b) Not have committed any crime against the Somali people;

(c) Have no physical disability;

(d) Have a certain level of literacy;

(e) Be selected by the local chief of police, recommended by community leaders and in consultation with the UNOSOM regional military commander, where applicable;

(f) Be selected in such a way as to ensure a proportional balance of clan representation.

26. UNOSOM will evaluate, region by region, the need to organize and train mobile quick reaction forces. This type of force can be used to assist in rural area bandit apprehension, disarmament operations under the supervision of the UNOSOM military and other quick reaction missions. Where there is a need for a regional mobile quick reaction force, the force would be under the operational control of the UNOSOM regional international police adviser and the UNOSOM military commander.

27. Taking into account the security environment of each region, UNOSOM military and police advisers will determine on a station-by-station basis, the number of weapons that will be provided to each police station.

28. Initially, UNOSOM will provide modest salaries, undertake limited renovation of police facilities, provide basic transportation and communications equipment, conduct basic police training and provide some specialized training. The salary scale must be sustainable by revenues generated by the future Somali Government.

## B. Judicial system

### 1. Objectives

29. By 31 October 1993, an interim three-tier judicial system will be in place. The 1962 Criminal Procedure and Penal Codes will be enforced. Initially, judges and magistrates for the system will be compensated modestly by UNOSOM and encouraged to consider this involvement as a civic responsibility. Court rooms

and administrative workspace will be renovated and office equipment will be furnished for each court.

30. By 31 March 1995, the Transitional National Council will have determined the type of judicial system and laws of the country. The interim judicial system will be adjusted to accommodate the system called for by the Transitional National Council.

## 2. Strategy

31. After the Transitional National Council is formed, it will be asked by UNOSOM to take an early decision on the structure and organization of the judiciary and the applicable laws, both civil and criminal, throughout Somalia.

32. Since 4 May 1993, the 1962 Somali Criminal Procedure Code and Penal Code continue in force in areas where there exists a functioning judicial system. Consistent with the decision of the Boroma Conference, the Indian Penal Code and Criminal Procedure Code, which was in use in the north-west prior to 1960, will be in force in that region.

33. The interim judicial system will be modelled on the 1962 court system and will have three levels: courts of appeal, regional courts and district courts. District courts are to hear civil and criminal cases where conviction would result in imprisonment for less than 10 years. Regional courts are to review cases from district courts and are to have original jurisdiction over criminal cases in which conviction would result in imprisonment for three years or more.

34. In Mogadishu a Judicial Selection Committee made up of 13 respected Somalis and advised by UNOSOM Justice Division officials will select judges and magistrates for the court system in the city and will oversee issues of ethics and discipline in the judiciary. Similar councils will be formed in other regions of Somalia for the selection of judges and magistrates.

35. Should Somali judges be threatened or intimidated and therefore either refuse to adjudicate particular cases or are pressured into issuing decisions not based on legal grounds, UNOSOM will consider, after consultation with the Judicial Selection Committee, a programme whereby consideration may be given to foreign judges being asked to serve in selected courts. (It should be noted that foreign judges did serve in the Somali court system in the 1960s and foreign judges are serving in some East African countries today.) Upon request, UNOSOM military forces will provide security for judicial proceedings until Somali police forces are able to provide the required security.

36. A probable-cause hearing must be held within 48 hours of detention, unless there is no magistrate within a reasonable distance. The hearing will take place as soon as possible, depending on the location of magistrates and their schedules.

37. UNOSOM will have civilian judicial advisers assigned to provide advice and assistance in the re-establishment of the interim Somali judicial system.

38. As required by the UNOSOM mandate from the Security Council, UNOSOM police and judicial advisers will assist the Somali justice system in investigating allegations of serious criminal violations, including "crimes against the Somali people", and in facilitating the prosecution of criminals.

39. When security conditions require and until appropriate Somali prisons are renovated, UNOSOM will assist in maintaining a detention facility for persons whose security cannot be guaranteed in existing confinement facilities. United Nation standards on human rights will be respected in these facilities.

40. UNOSOM, with the assistance of the Police Institute and an appropriate university training faculty, will fund a judicial training or review programme for judges and magistrates and a court administration training programme for administrative staff.

41. UNOSOM will fund modest renovation of court facilities, provide limited equipment and supplies, training and modest salaries for judges and court administrative personnel.

## C. Prison system

### 1. Objectives

42. By 31 October 1993, basic renovation of the prison facilities in Mogadishu and Hargeisa will have been completed, salaries paid and food for prisoners supplied. UNOSOM advisers will provide advice and supervision to detention facilities and prisons.

43. By 31 March 1994, if necessary, other prisons will have been re-established in other areas, including Bossasso and Kismayo.

### 2. Strategy

44. Humane treatment of prisoners is of the utmost concern.

45. UNOSOM will rehabilitate prison facilities in Mogadishu and Hargeisa and a juvenile detention centre in Mogadishu.

46. UNOSOM will employ members of the old Custodial Corps to manage the prisons. Initially, UNOSOM/international donors will pay salaries for 1,000 members of the Custodial Corps: 400 in Mogadishu, 200 in Hargeisa, 200 in Bossasso and 200 in Kismayo. Salary levels will be calculated so they can be sustained by local revenues following UNOSOM's departure.

47. Custodial Corps personnel must fulfil the following conditions:

(a) Have had two years' custodial experience prior to 26 January 1991;

(b) Have committed no crime against the Somali people;

(c) Have been vetted by senior Custodial Corps personnel.

48. United Nations agencies and non-governmental organizations (NGOs) will be requested to provide food for prisoners.

49. UNOSOM will supply an appropriate number of weapons for prison staff.

50. Upon request, UNOSOM military will back up external security when required.

51. UNOSOM prison advisers will give legal, penal and human rights assistance to prison officials located in their zones.

52. UNOSOM will ask the International Committee of the Red Cross (ICRC), United Nations agencies (e.g. the World Health Organization) and NGOs (such as Amnesty International), to monitor conditions in the prisons and any human rights violations.

## D. Investigation of violations of international humanitarian law

### 1. Objectives

53. In order further to meet the requirements of Security Council resolution 814 (1993), UNOSOM will establish an Office of Human Rights to "investigate and facilitate prosecution of serious violations of international humanitarian law".

54. By 15 August 1993, the UNOSOM Office of Human Rights will be staffed by a six-person investigation team from Member States and will, among other things, assist in the establishment of a local Somali human rights committee.

55. At its forty-ninth session, in February-March 1993, the Commission on Human Rights of the United Nations recommended, and the Economic and Social Council, on 28 July 1993, approved, the appointment of an Independent Expert on Human Rights for Somalia. In addition to the Independent Expert's specific human rights function, the Expert could act as Ombudsman for police, judicial and prison issues.

56. By the end of 1993, ongoing investigations possibly will lead to the apprehension of several suspects in several major human rights cases. International justices will conduct trials in these human rights violation cases if Somali justices decline to hear cases as a result of threats or intimidation.

### 2. Strategy

57. The Security Council, in its resolution 814 (1993) enjoins UNOSOM to assist in the "restoration of peace, stability, law and order, including investigation and facilitating the prosecution of serious violations".

58. UNOSOM will establish a team of international specialists which will investigate, in cooperation with the Somali police, human rights violations committed against the Somali people, as well as against international assistance workers. Such violations include mass murders of Somali citizens, murder, attempted murder and threats of bodily harm against international assistance workers and UNOSOM employees.

59. UNOSOM will establish a central registry of murders, attempted murders, threats to security and crimes against property. The registry will maintain investigation files on each case.

60. UNOSOM will establish a property claims investigation team to deal with crimes involving: theft of money, looting and destruction of United Nations agencies, the offices and warehouses of NGOs; looting and destruction of Somali Government buildings, infrastructure, vehicles and other assets; looting and destruction of diplomatic missions. The team will decide whether a reported property crime comes under its jurisdiction. All property crimes not under the jurisdiction of the team will be directed to the Somali police for investigation.

61. UNOSOM will encourage the Transitional National Council to establish a property claims division as a special division of the regular Somali court system to deal with crimes against property committed from 26 January 1991 to the present. This division of the court should have the authority to punish perpetrators of property crimes in accordance with applicable Somali laws and should be enabled to order restitution of property, or payment of damages, or both. This initiative will build on the work accomplished by the committee for the peaceful resolution of property disputes.

62. UNOSOM will encourage international human rights groups to assist Somali human rights organizations with human and financial resources.

63. The estimated one-year cost of establishing an internationally staffed office for investigation and facilitating prosecution of serious violations of humanitarian law is estimated at $2,322,000. This office will be staffed under the peace-keeping budget and from international volunteers.

## III. FINANCIAL ASPECTS

64. The total cost of direct support of the re-establishment of the Somali justice system is estimated at $45,130,000 for the first year (see appendix). It needs to be emphasized that this is considered the minimum amount required to start the Somali justice system going so that it may take over as soon as possible from UNOSOM the function of maintaining law and order. If nations donate actual equipment, budget requirements will be reduced. When I submitted the addendum to my last report (S/25354/Add.1), a detailed assessment of the extent of the disintegration of the Somali justice system and the destruction of its infrastructures had not been made. At that time, I proposed a figure of $8,900,000 needed just to continue the support of the 5,000-person Auxiliary Police Force to be inherited from UNITAF.

65. To implement this programme, UNOSOM will have international police management and advisory staff at UNOSOM headquarters, zone, sub-zone and district levels to ensure daily contact with Somali police down to the station level. UNOSOM will also have the required international expertise to assist the Somalis to re-establish their judiciary and prison systems and to investigate serious violations of international humanitarian law. I estimate that the international staff needed for this undertaking will cost $10,308,000 per annum. These positions will be funded under the peace-keeping budget.

66. In my previous report (S/25354, para. 89), I indicated my intention to maintain the United Nations fund for operations in Somalia authorized by the Security Council in paragraph 11 of its resolution 794 (1992). I am gratified to learn that there are a number of countries preparing to make further voluntary contributions to this fund or contributions in kind (Egypt, Germany, Netherlands and Norway). The amounts pledged may not, however, be sufficient to cover the costs of the re-establishment of the Somali justice system and the costs of international staff to provide the required assistance. In that event, I will not hesitate to recommend alternative financing arrangements to meet the shortfall.

67. Member States could contribute funding, equipment or training on either a nationwide or regional basis. If contributions are provided on a regional basis, UNOSOM would provide guidance to ensure inter-operability of equipment and to ensure a logical proportional balance of equipment and training based on the needs of the regions.

## IV. OBSERVATIONS

68. The overwhelming desire of the Somali people for the restoration of peace and law and order to their country and the eagerness of members of the former Somali police force and Custodial Corps, magistrates and judges who have resurfaced and offered their services to restore and re-establish their justice system have convinced me that the Somalis will respond positively and constructively to the assistance extended by the international community.

69. Successful police and justice systems in Somalia will cut the cost of peace-keeping operations as fewer military forces will be required to maintain security. In addition, with required basic infrastructures of the whole justice system rebuilt during the first year, significantly lower financial resources should be required during the second year to bring the system back to a level capable of maintaining internal security throughout the entire country.

70. The objectives of the UNOSOM humanitarian programme include assisting in the regeneration of the Somali economy and the re-establishment of its public finance system. There are indications that the Somali economy, at least the agriculture, livestock and trade sectors, have been relatively resilient in withstanding the civil war. It is expected, therefore, that the transitional national authority and regional authorities will be in a position to finance their newly re-established justice system as soon as their public finance system is restructured. It should be noted that the north-east region is financing its police force at a modest level substantially through revenue from the Bossasso port.

71. The full maintenance of internal security by the Somalis themselves would not only enable them to embark on their own rehabilitation, reconstruction and development process but, as I indicated in my previous report (S/25354, para. 86), would also render a substantial United Nations military presence no longer necessary. This modest expenditure to re-establish the Somali justice system would therefore enable a rapid reduction in the relatively large UNOSOM military expenditures. I consider, therefore, that this expenditure for the justice system is cost-effective.

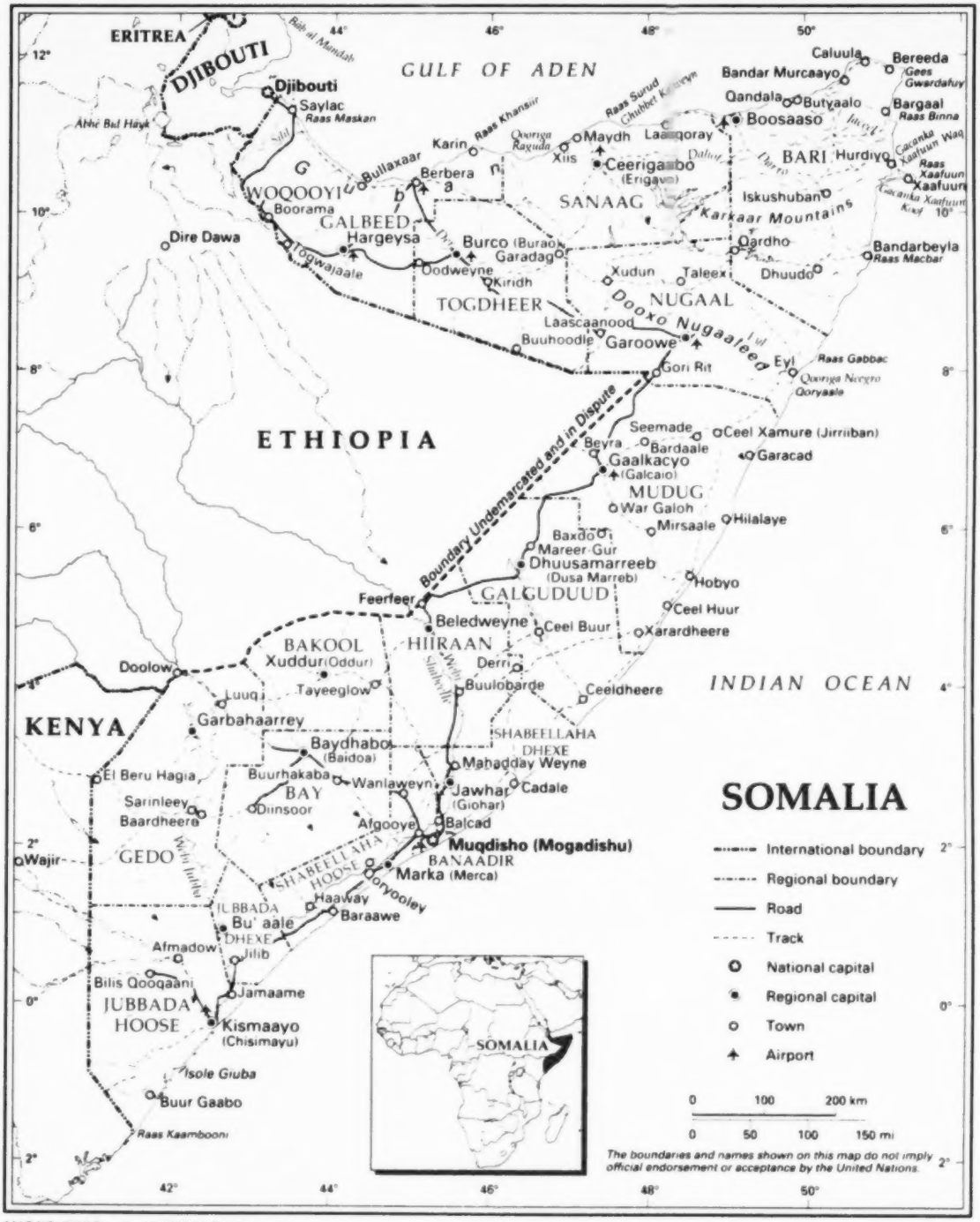
## Appendix

## United Nations Operation in Somalia (UNOSOM)

### Summary of financial implications for one year of operation (May 1993-April 1994)

(In thousands of United States dollars)

| | Main expenditure group | Police | Judicial | Prison | Total |
|---|---|---|---|---|---|
| 1. | Personnel costs (compensation to Somali personnel) | 16 848 | 1 644 | 1 045 | 19 537 |
| 2. | Renovation of premises | 350 | 355 | 400 | 1 105 |
| 3. | Supplies, services and equipment | 735 | 850 | 40 | 1 625 |
| 4. | Uniforms | 1 500 | - | 200 | 1 700 |
| 5. | Vehicle operation | 13 052 | 579 | 388 | 14 019 |
| 6. | Communications equipment | 440 | - | - | 440 |
| 7. | Weapons | 3 000 | - | 96 | 3 096 |
| 8. | Training | 3 540 | 68 | - | 3 608 |
| | Projected (gross) requirements | 39 465 | 3 496 | 2 169 | 45 130 |

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